

275 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-28099-2023
Date of Decision: 28.08.2023

VISHU DUTTA AND ORS.

...Petitioners

V/S

STATE OF HARYANA AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. L.K. Narang, Advocate
for Mr. Bhupinder Ghai, Advocate
for the petitioners.

Mr. Surender Kumar Dagar, DAG Haryana.

Mr. Mohit Kakkar, Advocate
for respondent No. 2.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 38 dated 05.04.2020 registered under Sections 323, 377, 406, 498-A and 506 of Indian Penal Code at Police Station Raipur Rani, District Panchkula along with all subsequent proceedings arising therefrom on the basis of compromise.

2. Vide order dated 01.06.2023, passed by this Court, the parties were directed to appear before the trial Court and get their statements recorded with regard to the compromise arrived at between them. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.

3. In compliance of the aforesaid order, report has been received from the court of Additional Chief Judicial Magistrate, Panchkula and the same is reproduced hereinbelow:

“i). Number of accused in the aforesaid FIR and whether any accused has been declared proclaimed offender(s) or any such proceedings have been initiated or pending against them?

There are total three accused in the present case FIR namely Vishu Dutta son of Pushap Raj Dutta; Akash Dutta son of Pushap Raj Dutta and Geeta Dutta wife of Pushap Raj Dutta against whom challan has been filed by the police. No accused has been declared proclaimed person/offender and no such proceedings have been initiated or pending, as verified by the I.O.

ii). Whether the compromise is genuine, voluntary and without any coercion or undue influence?

The compromise between the parties appears to be genuine, voluntary and entered into without any coercion and undue influence. Statements of complainant as well as all 3 petitioners before the Hon'ble High Court i.e. accused were recorded wherein they categorically affirmed the fact that they have compromised the dispute voluntarily and without any coercion or undue influence. Identity of the parties was duly confirmed. Complainant categorically submitted that she has no objection if the present FIR is quashed by the Hon'ble High Court.

iii). Involvement of petitioners in any other FIR.

Accused are not involved in any other FIR apart from the present case. As directed by the Hon'ble High Court, Statement of Investigating Officer in this regard was also recorded.

iv) Status of trial pending before the Court.

Trial is at the stage of prosecution evidence and next date is 13.09.2023.”

4. Learned counsel for the petitioners contend that FIR was filed against the petitioner and three other family members, but they have been

found to innocent during investigation and challan has been presented only against the petitioner. It is further contended that marriage of petitioner No. 1 was solemnized with respondent No. 2 on 07.03.2019, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No. 1 and respondent No. 2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree 07.08.2023 passed by learned Family Court, Panchkula. A sum of Rs. 7,00,000/- has been paid to respondent No. 2 on account of permanent alimony. Respondent No. 2 has received all her articles of *stree dhan* and nothing else is due payable to her by the petitioners. No other case is pending between the parties.

5. Learned counsel for respondent No. 2/complainant has not disputed the aforesaid factual aspects and has stated that he has no objection if the FIR is quashed.

6. After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

7. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial

dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

8. For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, approved by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

9. Accordingly the present petition is allowed and FIR No. 38 dated 05.04.2020 registered under Sections 323, 377, 406, 498-A and 506 of Indian Penal Code at Police Station Raipur Rani, District Panchkula and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

28.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No