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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.32155 of 2023(O&M)

Date of Decision: 17.10.2023

Karan Singh

..... Petitioner

V/s.

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashwani Bhardwaj, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Ajay Kripal Singh, Advocate for
Ms. Shivani Jaglan, Advocate
for the complainant-respondent No.2.

Vivek Puri, J. (Oral)

1. The petitioners are seeking to quash the FIR bearing No.152 dated 05.02.2018 under Sections 498-A, 323, 406, 506, 34 IPC registered at Police Station Women, Panipat, District Panipat and all the other subsequent proceedings arising therefrom on the basis of compromise.

2. On 06.07.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

3. In compliance of the order dated 06.07.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Panipat, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(1) As per report of SI Naresh Kumar, Karan Singh, Sukhwinder Singh, Harpreet Singh and Amarjeet Kaur are arrayed in the present FIR and during investigation, Sukhwinder Singh, Harpreet Singh and Amarjeet Kaur were found innocent. Challan was filed only against accused Karan Singh in the present case.

(2) As per the report of I.O/SI Naresh Kumar, no accused is Proclaimed offender/ person in the present FIR.

(3) As per the statement of complainant/injured/ respondents as well as accused/ petitioners, the undersigned is of the view that compromise between the parties is genuine, voluntarily and without any coercion or undue influence.

(4) As per the report of SI Naresh Kumar, no other case is pending against accused.

(5) As per the statement of I.O./ SI. Naresh Kumar, there is only one victim/ complainant i.e. Sonia@ Gurpreet Kaur.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 04.05.2015 and a son has been born from the wedlock. Initially, allegations were leveled against the petitioner and his relatives who were found to be innocent during the course of investigation and the challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of the compromise dated 29.05.2023 (**Annexure P-3**). The petitioner and respondent No.2 have instituted a petition under Section 13B of the Hindu Marriage Act, 1955 for dissolution of their marriage by way of mutual consent wherein the statements of the parties at the stage of first motion have been recorded. A sum of ₹18,50,000/- has been paid to respondent No.2 in full and final settlement claim for permanent alimony. The respondent No.2 has received all her articles of *Istri Dhan* and nothing is due to her from the petitioner. The custody of the minor child shall remain with respondent No.2. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further 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. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR bearing No.152 dated 05.02.2018 under Sections 498-A, 323, 406, 506, 34 IPC registered at Police Station Women, Panipat, District Panipat and all the other subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

10. Resultantly, with the above-said observations made, the instant petition stands allowed.

17th October, 2023

Sonia Puri

**(VIVEK PURI)
JUDGE**

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