

242 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-33254-2023
Date of Decision: 15.09.2023

SUKRAM SINGH

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. M.D. Sharma, Advocate
for the petitioner.

Mr. Surender Kumar Dagar, DAG Haryana.

Mr. Polast Dev Sharma, 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. 164, dated 05.05.2021 registered under Sections 323, 498-A, 506 and 406 of Indian Penal Code at Police Station Madhuban, District Karnal and all consequential proceedings arising therefrom, on the basis of compromise.

2. Vide order dated 13.07.2023, 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 Ld. Judicial Magistrate Ist Class, Karnal and relevant portion of the same is reproduced below:

“1) Ques Number of persons arraigned as accused in FIR?

Ans. There are five accused arrayed in the FIR and final report is submitted only against one accused.

2) Ques: Whether any accused is proclaimed offender?

Ans. No accused is proclaimed offender in the present FIR.

3) Ques: Whether the compromise is genuine, voluntary and without any coercion or undue influence?

Ans. After going through the statements of the parties and after enquiring from the I.O., I am of the view that the compromise has been arrived between the complainant party and accused persons voluntarily without any threat, pressure, undue influence or fraud. Thus in my considered opinion the compromise arrived at between the two sides is genuine and voluntary act of the parties and the complainant has no objection in quashing of FIR registered against the accused persons on his complaint. Hence the compromise is genuine.

4) Ques: Whether the accused persons are involved in any other case or not.

Ans: No other FIR is registered against the accused facing trial.

5) Ques: The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

Ans. Statement of I.O. also recorded which is reproduced as under: Ans: "It is stated that in the present FIR, there is only one accused Sukram son of Hukam Singh, resident of Village Bastara, Karnal who was arrested. No other case is pending against the above-named accused person and there is only victim namely Priyanka in the present FIR. The said accused is not declared proclaimed person in any other case. The said accused is not involved in any other FIR."

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 09.11.2013 and two sons have been born from the wedlock. Initially, the FIR was lodged against the petitioner and other family members who were found to be innocent and

the challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family Court, Karnal wherein the statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs. 8 Lakhs to respondent No.2 on account of permanent alimony. A sum of Rs. 4 Lakhs has already been paid and the balance amount of Rs. 4 Lakhs shall be paid when the statements of the parties will be recorded at the stage of 2nd motion. Respondent No.2 has received all her articles of *Istridhan* and nothing else is due payable to her from the petitioner. The custody of the minor children shall remain with respondent No.2. 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. 164, dated 05.05.2021 registered under Sections 323, 498-A, 506 and 406 of Indian Penal Code at Police Station Madhuban, District Karnal and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

15.09.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No