

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-34469-2023
Date of decision: 16.12.2023**

KAMAL AND ORS.

VERSUS

...PETITIONERS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Surinder Singh Duhan, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Ms. Pooja Arora, Advocate for
Mr. Kamlesh, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.182 dated 02.06.2023 under Sections 120-B/323/328/376(2)(n)/506 IPC, registered at Police Station Civil Line Sonipat, District Sonipat and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 11.09.2023, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 11.09.2023, learned Judicial Magistrate 1st Class, Sonipat has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

submitted that there is one complainant namely Anuradha @ Anuradha Tyagi in the aforementioned FIR. The aforementioned FIR was registered against five persons namely Kamal. Seema @ Seema Devi. Nisha @ Nisha Rani, Parmod and Ravi, who were arrayed as accused. No other accused is involved in the aforementioned FIR. No accused has been declared as proclaimed offender/proclaimed person in the above mentioned FIR. The above named accused persons are not involved in any other case.

In view of statement of investigating officer, it is humbly submitted that no other accused is involved in the aforementioned FIR. No accused has been declared as proclaimed offender/proclaimed person in the above mentioned FIR. The above named accused persons are not involved in any other case. It is further submitted that as per statements of parties, compromise between complainant Anuradha @ Anuradha Tyagi and accused Kamal, Seema @ Seema Devi, Nisha @ Nisha Rani, Parmod and Ravi was genuine and voluntary and out of their free will.”

5. Learned counsel for the petitioners contend that petitioner No.1 and respondent No.2 were in relationship and they had solemnized marriage on 19.05.2023 and Annexure P-2 is the certificate of registration of marriage. The FIR has been lodged on the basis of some misunderstanding. The dispute has been amicably settled in terms of settlement/compromise, Annexure P-3. Respondent No.2 is happily residing with petitioner No.1 in the matrimonial house.

6. Learned counsel for respondent No.2 states that she has no objection if FIR is quashed.

7. After hearing the 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.

8. Although, the allegations as putforth in the FIR are indicative of the fact that respondent No.2 was sexually abused but significantly, petitioner No.1 and respondent No.2 have solemnized marriage. Even, FIR has been registered subsequent to the solemnization of the marriage. Petitioner No.1 and respondent No.2 are happily residing in the matrimonial house. The material on record is indicative of the fact that 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.

9. 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*.

10. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.182 dated 02.06.2023 under Sections 120-B/323/328/376(2)(n)/506 IPC, registered at Police Station Civil Line Sonipat, District Sonipat and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

16.12.2023

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(VIVEK PURI)
JUDGE

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