

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34595-2023
Date of Decision: 13.09.2023

RAHUL SHARMA AND OTHERS ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Robin Dutt, Advocate
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Ravinder Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. Petitioners are seeking to quash the FIR No.98 dated 09.02.2021 under Sections 323/406/498-A/506 IPC registered at Police Station Yamuna Nagar City, District Yamuna Nagar and all the subsequent proceedings arising therefrom on the basis of compromise.

2. On 20.07.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

3. In compliance of the order dated 20.07.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. As per the record, there are three accused persons in present FIR namely Rahul Sharma, Parmod Kumar and Kusum who have appeared before the Court and have made their joint statement regarding the compromise.

2. As per the statement of HC Shimla No.1037/YNR, P.S City Yamuna Nagar, none of the accused persons involved in the present FIR have been absconding or declared proclaimed offender in

this case.

3. The compromise is genuine, voluntary and out of free will of the parties without any coercion or undue influence.

4. As per the statement of HC Shimla No.1037/YNR, P.S City Yamuna Nagar, none of the accused person is involved in other FIR in the P.S City Yamuna Nagar except the present FIR.

5. As per the statement of HC Shimla No.1037/YNR, P.S City Yamuna Nagar, there is one victim/complainant in present FIR.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 08.02.2015 and a daughter has been born from the wedlock. Initially, the FIR was registered against the petitioners and 04 other relatives, who were found to be innocent during the course of investigation and the challan has been presented only against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 18.01.2023 (Annexure P-2). Petitioner No.1 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, Yamuna Nagar at Jagadhri wherein the statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs.4 lakh on account of permanent alimony to respondent No.2. A sum of Rs.2 lakh has already been paid and the balance amount of Rs.2 lakh is to be paid at the time of recording the statements of the parties at the stage of second motion. Respondent No.2 has received all her articles of Istri Dhan and nothing is due payable to her. The custody of minor child shall remain with respondent No.2. Petitioner No.1 has withdrawn the petition under Section 13 of the Hindu marriage Act and respondent No.2 has withdrawn the petitioner under Section 125 Cr.P.C. 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 No.98 dated 09.02.2021 under Sections 323/406/498-A/506 IPC registered at Police Station Yamuna Nagar City, District Yamuna Nagar and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

13.09.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No