

297 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37503-2023
Date of Decision: 08.11.2023

VAIBHAV NARULA AND ANOTHER ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Rajni Bala Rohilla, Advocate for
Mr. Shokeen Singh Verma, Advocate
for the petitioners.

Mr. R.K.Singla, DAG, Haryana.

Mr. Shivam Narang, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. Petitioners are seeking to quash the FIR No.461 dated 20.08.2021, under Sections 323/34/406/498-A/506 IPC, registered at Police Station Bhiwani City, District Bhiwani on the basis of compromise.
2. On 03.08.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 03.08.2023, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Bhiwani has sent the report and the relevant portion whereof is reproduced here-in-below:-

"I have heard the parties and their counsels and gone through the statements of the parties. In considered view of this Court, the compromise has been effected voluntarily and without any pressure and maintaining peace and relations. None of accused is declared P.O. in this case. All accused are parties to compromise. Other than present litigation, no other criminal case is registered against said accused.

The undersigned is satisfied that

compromise was entered voluntarily and without any pressure or coercion. The present case is at stage of recording of prosecution evidence.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 21.11.2020 but no has been born from the wedlock. The matrimonial dispute has been amicably settled in the Mediation and Conciliation Centre of this Court in terms of the settlement/agreement, Annexure P-2. Petitioner No.1 shall pay a sum of Rs.15 lac to respondent No.2 on account of permanent alimony. 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, Bhiwani, wherein the statements of the parties at the stage of first motion have been recorded. A sum of Rs.5 lac has already been paid. A sum of Rs. 5 lac shall be paid when the statements of the parties is recorded at the stage of second motion and the remaining amount of Rs. 5 lac shall be paid on the date of decree of divorce by mutual consent was granted. Respondent No.2 has received all her articles of istrydhan and nothing else is due payable to her by the petitioner(s). 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

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.461 dated 20.08.2021, under Sections 323/34/406/498-A/506 IPC, registered at Police Station Bhiwani City, District Bhiwani on the basis of compromise is ordered to be quashed, however, qua the petitioners only.

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

08.11.2023
smriti

(VIVEK PURI)
JUDGE

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