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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.39088 of 2023(O&M)

Date of Decision: 18.10.2023

Rajesh Kumar

..... Petitioner

V/s.

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chander Shekhar Singhal, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

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

Vivek Puri, J. (Oral)

1. The petitioner is seeking to quash the FIR bearing No.23 dated 15.01.2022, under Sections 323, 406, 498-A, 506 IPC, registered at Police Station Pinjore, District Panchkula on the basis of compromise.
2. On 10.08.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 10.08.2023, the statements of the parties have been recorded and the learned Sub-Divisional Judicial Magistrate, Kalka, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“As per the report of Investigating Officer ASI Anita, there are five accused namely Rajesh Kumar, Dharampal, Meena, Rajni and Rakesh in the present FIR. Accused have never been declared proclaimed offender in the present case. Chargesheet filed against accused Rajesh Kumar. Accused are not involved in any other criminal case. There is only one complainant/injured-Neetu in the present FIR. Since the matter has been compromised by the complainant with the accused Rajesh

Kumar without any pressure, coercion or threat from any side, who has no objection with regard to quashing of FIR on the basis of compromise, therefore, compromise is genuine, complete, good in the eyes of law and voluntary. ”

4. Learned counsel for the petitioner contends that the FIR was registered against the petitioner and 04 other relatives but during the course of investigation, they have been found innocent and the challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 21.06.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of agreement (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 wherein the statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of ₹6,30,000/- on account of permanent alimony to respondent No.2. A sum of ₹3,15,000/- has already been paid and the balance amount of ₹3,15,000/- is to be paid at the time of recording the statements at the stage of second motion. Respondent No.2 has received all her articles of Istri Dhan and nothing else due payable to her by the petitioner. 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.23 dated 15.01.2022, under Sections 323, 406, 498-A, 506 IPC, registered at Police Station Pinjore, District Panchkula 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.

18th October, 2023

Sonia Puri

(VIVEK PURI)
JUDGE

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