

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40223-2023 (O&M)
Date of Decision: 08.11.2023

SAHIL ... PETITIONER
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Tanu Priya Singh, Advocate,
for the petitioner.

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

Mr. Kushager Goyal, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash FIR No.04 dated 05.01.2022 under Sections 498-A/406/323/506/354-A/34 IPC (Sections 354-A/34 IPC were deleted) registered at Police Station Urban Estate, Hisar and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 17.08.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 17.08.2023, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Hisar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(i) Number of persons arrayed as accused in the FIR.

ASI Rakesh. No.1538-HSR, PS.Urban Estate, Hisar came present before the court and his statement to this effect was recorded wherein he stated that he is the Investigating Officer in case FIR No.04 dated 05.01 2022, u/s 498-A, 406, 323, 354-A and 506 read with Section 34 IPC, P.S. Urban Estate, Hisar. As per record, six persons namely Sahil Singla, Ramesh Singla, Rajila Singla and Alisa Singla, Kosvinder Mittal and Dilbas Singh were arrayed as accused in the present FIR but case was registered against accused Sahil as the remaining people were found innocent during investigation.

(ii) *Whether any accused is proclaimed offender?*
ASI Rakesh in his statement recorded in the court stated that none of the accused in the present FIR has been declared as a proclaimed offender.

(iii) *Whether the compromise is genuine, voluntary and without any coercion or undue influence?*

Statement of complainant Natisha daughter of Sh.Pawan Kumar Garg was recorded in this regard before the court wherein complainant stated that he has compromised the matter with accused Sahil voluntarily and without any fear/ pressure. Statement of the accused Sahil son of Ramesh Singla was also recorded who also testified to the factum of compromise. All the parties were duly identified by their respective counsel and Aadhar card of accused was also perused and has been attached alongside his statement.

(iv) *Whether the accused persons are involved in any other FIR or not?*

As per the statement of ASI Rakesh, accused is not involved in any other case.

(v) *How many victims/complainants are there in the FIR.*

As per the statement of ASI Rakesh, there is one complainant Nitisha daughter of Pawan Garg in the present FIR.”

4. Learned counsel for the petitioner contends that initially the FIR was registered against the petitioner and 5 other persons who were found innocent during the course of investigation and challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 11.03.2020 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of the judgment and decree dated 02.11.2023 passed by the learned Family Court, Hisar. The petitioner has paid a sum of Rs.17 lac to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of istridhan and nothing else is 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 No.04 dated 05.01.2022 under Sections 498-A/406/323/506/354-A/34 IPC (Sections 354-A/34 IPC were deleted) registered at Police Station Urban Estate, Hisar and all the subsequent proceedings arising therefrom 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.

08.11.2023
smriti

(VIVEK PURI)
JUDGE

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