

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41279-2023
Date of Decision: 15.11.2023

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

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Paramjeet Phor, Advocate,
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Dr. Sandeep Mudgil, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. Petitioner is seeking to quash the FIR No.202 dated 05.05.2022 under Sections 313/323/376/377/406/498-A/506/120-B/34 of Indian Penal Code (Sections 313/376/120-B/34 of IPC have been deleted) registered at Police Station Sonipat Sadar, District Sonipat on the basis of compromise.
2. On 21.08.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 21.08.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Sonipat has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(i) Number of persons arraigned as accused in FIR;

Ans. As per the report/statement of IO, in the FIR, three persons were arraigned as accused namely i) Manjeet ii) Ran Singh, iii) Pooja. During investigation, accused Ran Singh and Pooja were exonerated and not charge sheeted and kept in column no. 12. The challan/final report was submitted only against accused Manjeet.

(ii) Whether any accused is proclaimed offender;

Ans. As per the report/statement of IO, as per

their record, no accused is proclaimed offender in the present case or any other case.

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

Ans. As already discussed above, I am of the considered view that the compromise effected between the complainant Rimpi and the accused namely Manjeet appears to be without any threat, undue influence, fraud, misrepresentation or coercion from either of the sides and is a genuine compromise, arrived at voluntarily and out of free will of the parties. (iv) *Whether the accused persons are involved in any other case or not;*

Ans. As per the report/statement of IO, as per their record, the accused persons are not involved in any other case.

(v) The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

Ans. Statement of IO has been recorded separately and as per the said statement, in the present FIR, there is only one victim/ complainant i.e. Rimpi d/o Rohtash."

4. Learned counsel for the petitioner contends that marriage of the petitioner was solemnized with respondent No. 2 on 15.03.2021 but no child has been born from the wedlock. The offence under Sections 313, 376, 120-B and 34 of IPC have been deleted, other accused have been found to be innocent and challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The petitioner shall pay a sum of Rs. 8.25 lac to respondent No. 2 on account of permanent alimony. The petitioner and respondent No. 2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of their marriage with mutual consent in the Family Court, Sonipat, wherein statement of the parties at the stage of first motion has been recorded. Furthermore, the petitioner has already paid a sum of Rs. 4,50,000/- to respondent No. 2 and the balance amount of Rs. 3,75,000/- shall be paid at the time to recording of statements of the parties at the stage of second motion. 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.202 dated 05.05.2022 under Sections 313/323/376/377/406/498-A/506/120-B/34 of Indian Penal Code (Sections 313/376/120-B/34 of IPC have been deleted) registered at Police Station Sonipat Sadar, District Sonipat on the basis of compromise is ordered to be quashed, however, qua the petitioner only.

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

15.11.2023
smriti

(VIVEK PURI)
JUDGE

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