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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-42386-2023 (O&M)****Date of Decision: 09.11.2023****VIKASH SHARMA AND OTHERS****... PETITIONERS****V/S****STATE OF HARYANA AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Rajesh Duhan, Advocate for the petitioners.
Mr. Surinder Kumar Dagar, DAG Haryana.
Mr. Virender Gill, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 310 dated 29.05.2021 under Sections 323, 342, 376, 377, 506, 511 IPC (after challan U/S 34 and 498A IPC is added but U/S 376, 342 and 511 IPC deleted later on) registered at Police Station Indri, District Karnal and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 25.08.2023, the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.
3. In compliance of the order dated 25.08.2023, learned Sub Divisional Judicial Magistrate, Indri has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“Statements of the parties i.e., complainant Hema daughter of Raj Kumar wife of Vikas Sharma, resident of Nigdu, Telsil Nilokheri. District Karnal and accused namely Vikas Sharma son of Ram Lal, resident of Ward No.1, Nigdu, Tehsil Nilokheri, District Karnal, Babli Rani wife of Ram Lal and Ram

Lal son of Ram Naryana, both residents of Village Nigdu, Tehsil Nilokheri, District Karnal were recorded.

Statements of both the parties reveal that they have amicably settled the matter, voluntarily and without any pressure or coercion. Compromise seems to be genuine and voluntarily in nature.

Investigating Officer, L/ASI Parvesh Kumari, Belt No.881/KNL, P.S. Indri has appeared before the court and suffered a statement that none of the accused is proclaimed person nor any other person is accused in the present case. No other criminal case is found against the accused Vikas Sharma, Babli Rani and Ram Lal besides the present FIR.

As per the FIR Hema is the complainant/victim in the present case. Present FIR is registered against accused Vikas Sharma, Babli Rani and Ram Lal.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 07.11.2017 and a daughter has been born from the wedlock. During the course of investigation, offence under Sections 376, 342 and 511 IPC have been deleted and challan has been presented only with regard to offence under Sections 323, 377, 506 and 498A IPC. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The petitioner No.1 and respondent No.2 have resumed cohabitation. Respondent No.2 along with the minor daughter is happily residing in the matrimonial home with petitioner No.1. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 is 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. Accordingly, the present petition is allowed and FIR No. 310 dated 29.05.2021 under Sections 323, 342, 376, 377, 506, 511 IPC (after challan U/S 34 and 498A IPC is added but U/S 376, 342 and 511 IPC deleted later on) registered at Police Station Indri, District Karnal and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

09.11.2023

Janki

(VIVEK PURI)
JUDGE

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