

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

279

CRM-M-42056 of 2023

Date of Decision: 06.11.2023

YOGESH SINGLA @ YUGESH KUMAR**... PETITIONER****VS.****STATE OF HARYANA AND ANOTHER****.. RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present : Mr. Vishavjeet S. Brar, Advocate
for the petitioner.

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

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

VIVEK PURI, J.(ORAL)

1. The petitioner seeks to quash the FIR No.241 dated 16.08.2022 under Sections 323/34/406/498-A IPC registered at Police Station Kalanwali, District Sirsa and all the consequent proceedings arising therefrom on the basis of compromise.
2. On 24.08.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 24.08.2023 the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Dabwali, Sirsa, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. With regard to Point No. (1), it is humbly submitted that as per report dated 13.09.2023 submitted by SI Lekh Raj No.988/SRS Investigation Officer, P.S Kalanwali three accused persons namely Yogesh Singla alias Yugesh Kumar, Parshotam Dass and Lajwanti accused in the FIR. Further, as per

report of the Criminal Ahlmad of this Court, the final report under Section 173 (2) of Cr.P.C was filed against only one accused namely Yogesh Singla alias Yugesh Kumar.

2. With regard to Point No. (2), it is humbly submitted that as per report dated 13.09.2023 submitted by SI Lekh Raj, Investigation Officer, P.S Kalanwali accused not declared Proclaimed Offender in the present case.

3. With regard to Point No. (3), it is humbly submitted that the statements of the complainant / injured namely Pooja Rani and accused person namely Yogesh Singla alias Yugesh Kumar has been recorded. It is most respectfully submitted that as per satisfaction of the undersigned, the compromise as effected between the parties is not the result of any pressure or coercion in any manner. Both the parties have also suffered their separate statements regarding the compromise voluntarily.

4. With regard to Point No. (4), it is humbly submitted that as per the report dated 13.09.2023 submitted by SI Lekh Raj No.988/SRS Investigation Officer, P.S Kalanwali no other case is registered/ pending against the accused Yogesh Singla son of Parshotam Dass, resident of Chattar Patti, Sirsa.

5. With regard to Point No. (5), it is humbly submitted that as per the statement dated 15.09.2023 suffered by the SI Lekh Raj, No.988/SRS Investigation Officer, P.S Kalanwali there is only one complainant/victim i.e. Pooja Rani.

4. Learned counsel for the petitioner contends that the FIR was registered against the petitioner and his parents, who have been found to be 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 25.06.2017 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the 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 the Hindu Marriage Act in terms of the judgment and decree dated 05.08.2023 passed by the learned Family Court, Sirsa, camp at Dabwali (Annexure P-3). A sum of Rs.4 lac has been paid to respondent No.2 on account of permanent alimony. She has received all her articles of istridhan and nothing else is due payable to her by the

petitioner. The custody of minor daughter shall remain with respondent No.2.

5. Learned counsel appearing 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.241 dated 16.08.2022 under Sections 323/34/406/498-A IPC registered at Police Station Kalanwali, District Sirsa and all the consequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner(s) only.

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

06.11.2023
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(VIVEK PURI)
JUDGE

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