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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.41763 of 2023(O&M)

Date of Decision: 07.11.2023

Hitesh Kumar Banga

..... Petitioner

V/s.

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Kamal Kumar, Advocate
for respondent No.2.

Vivek Puri, J. (Oral)

1. The petitioners are seeking to quash the FIR bearing No.53 dated 25.01.2022, under Sections 323, 34, 406, 498-A, 506 IPC, registered at Police Station Bhiwani City, District Bhiwani on the basis of compromise as having been effected between the parties.

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 Ist Class, Bhiwani, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. There were two persons namely Hitesh and Gulshan Kumar who were arraigned as accused in the present FIR but challan under Section 173 Cr.P.C. was submitted in the Court against accused Hitesh only and accused Gulshan Kumar was found to be innocent.

2. None of the accused is proclaimed offender.

3. *The compromise is genuine, voluntary and without any coercion or undue influence.*

4. *The accused is not involved in any other case as per the statement of Investigating Officer.*

5. *There is only one victim/ complainant namely Anshu in the present FIR.”*

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 10.02.2014 and a son has been born from the wedlock. Initially, the FIR was registered against the petitioner and Gulshan Kumar Banga, the father of the petitioner but the father of the petitioner has been found innocent and challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 05.08.2023 (Annexure P-2). The petitioner and respondent No.2 have resumed co-habitation. Respondent No.2 along with minor son is happily residing in the matrimonial house with 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.53 dated 25.01.2022, under Sections 323, 34, 406, 498-A, 506 IPC, registered at Police Station Bhiwani City, District Bhiwani 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.

07th November, 2023

Sonia Puri

(VIVEK PURI)
JUDGE

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