

CRM-M-42055-2023

- 1 - 2023 : PHHC : 155977

305

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

CRM-M-42055-2023

Date of Decision: 06.12.2023

RAVI HASIJA

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mohd. Salim, Advocate for the petitioner.

Mr. Amish Sharma, AAG Punjab.

Mr. Zeeshan Khan, Advocate for
Ms. Amarjeet Kaur, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 68 dated 25.06.2021 under Sections 498-A/323 IPC registered at Police Station City-I Malerkotla, District Malerkotla, and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 24.08.2023, 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 24.08.2023, learned Sub Divisional Judicial Magistrate, Malerkotla has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1. As per record, there is only Ravi Hasija (petitioner) arrayed as accused in the FIR.

2. As per statement of Investigating Officer, the accused

is not declared proclaimed offender.

3. As per statements of parties, the compromise is genuine, voluntarily and without any coercion or undue influence and out of free will of the parties i.e. complainant Shivani and accused (petitioner) Ravi Hasija.

4. As per statement of Investigating Officer, the accused/ petitioner Ravi Hasija is not involved in any other FIR.

5. As per statement of Investigating Officer, there is only one victim/complainant in the present FIR i.e. complainant Shivani.”

4. Learned counsel for the petitioner contends that initially the allegations were levelled against the petitioner and three other relatives, who were found to be innocent and FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 about five years prior to the registration of the FIR 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 petitioner and respondent No.2 have resumed cohabitation. Respondent No.2 is happily residing in the matrimonial house with the petitioner and 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. 68 dated 25.06.2021 under Sections 498-A/323 IPC registered at Police Station City-I Malerkotla, District Malerkotla and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

06.12.2023

Janki

(VIVEK PURI)
JUDGE

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