

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

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CRM-M-42111-2023

Date of Decision: 06.11.2023

SUKHVINDER SINGH AND ANR.

... PETITIONERS

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Naresh Paul Chandel, Advocate
for the petitioners.

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

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

VIVEK PURI, J.(ORAL)

1. The petitioners seek to quash the FIR No.0393 dated 05.10.2021 under Sections 313/323/34/498-A/506 IPC registered at Police Station Kunjpura, District Karnal and all the subsequent 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, Karnal, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“After careful perusal of the statement given on solemn affirmation by the complainant as well as accused vis-a-vis compromise concerning the present case and after careful analysis of the same, no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. Rather this Court is convinced

that the compromise between the parties in question appears to have been entered into voluntarily without any pressure or inducement.

It is further respectfully submitted that in the above-said FIR, six persons namely Nishamber Singh, Jaj Singh, Jitender Singh, Nidhi Sharma, Sukhvinder Singh and Amarjeet Kaur have been arrayed as accused, but challan has been filed qua accused Sukhvinder Singh and Amarjeet Kaur only. It is further respectfully submitted that accused Sukhvinder Singh and Amarjeet Kaur have never been declared proclaimed offenders. It is further respectfully submitted that accused Sukhvinder singh and Amarjeet Kaur are not involved in any other case. It is further respectfully submitted that there is only one complainant namely Kawaljeet Kaur and there is no other victim/complainant namely Kawaljeet Kaur and there is no other victim/complainant in the present case.”

4. Learned counsel for the petitioners contend that the FIR was registered against the petitioners and four other relatives, who were found to be innocent during the course of investigation and challan has been presented only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 26.02.2020 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 No.1 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court, Karnal, wherein statements of the parties at the stage of first motion have been recorded. The entire claim of respondent No.2 for alimony and articles of istridhan have been settled. 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.0393 dated 05.10.2021 under Sections 313/323/34/498-A/506 IPC registered at Police Station Kunjpura, District Karnal and all the consequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners 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