

**DALBIR SINGH AND ORS.**

**...PETITIONERS**

STATE OF HARYANA AND ANR.

## ...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Sube S. Kaushik, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Mandeep Singh Jangu, Advocate for respondent No.2.

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**VIVEK PURI,J. (ORAL)**

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.381 dated 23.09.2020 under Sections 323/34/408/498-A/506 IPC, registered at Police Station Civil Line Jind, District Jind and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 31.08.2023, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 31.08.2023, learned Additional Chief Judicial Magistrate, Jind has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) Initially five persons namely Jaswant, Sheela,

*Samunder, Dalbir and Kamlesh were arrayed as accused in the present FIR. During the course of investigation, Jaswant and Sheela were found innocent and on conclusion of the investigation, final report under sub Section (2) of Section 173 Cr.P.C was filed against petitioners/accused Samunder, Dalbir Singh and Kamlesh.*

*(ii) None of the petitioners-accused Samunder, Dalbir Singh and Kamlesh are/were declared proclaimed offender in the present FIR.*

*(iii) The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.*

*(iv) The petitioners-accused Samunder, Dalbir Singh and Kamlesh are not involved in any other case.*

*(v) There is no other complainant or affected/aggrieved person/victim in the present FIR except the complainant/respondent No.2 Reena.”*

5. Learned counsel for the petitioners contend that initially, the FIR was registered against the petitioners and two other relatives. However, during the course of investigation, the other relatives were found to be innocent and challan has been presented only against the petitioners. The marriage of petitioner No.3 was solemnized with respondent No.2 on 18.05.2016 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 24.08.2023 (Annexure P-2). The marriage of petitioner No.3 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 27.10.2023 passed by the learned Family Court, Jind. A sum of Rs.12,00,000/- has been paid on account of permanent alimony to respondent No.2. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else due payable to her. No other case is pending between the parties.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

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.

8. 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.

9. 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.

10. 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.381 dated 23.09.2020 under Sections 323/34/408/498-A/506 IPC, registered at Police Station Civil Line Jind, District Jind and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

04.12.2023

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(VIVEK PURI)  
JUDGE

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