

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

**CRM-M-45931-2022
Date of decision: 30.10.2023**

DHOLU RAM AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anil Kumar Sharma, Advocate for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Sarvjeet Singh Thakur, Advocate for respondent No.2.

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.207 dated 14.09.2017 under Sections 323/34/406/498-A/506 IPC, registered at Police Station Rampura, District Rewari and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 30.09.2022, 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 30.09.2022, learned Additional Chief Judicial Magistrate, Rewari has recorded the statements of the parties and

submitted the report, the relevant para whereof reads as under:-

“The Statements of the parties and the statement of the S.I.Tej Singh, No.51/Nuh, P.S.Rampura, Rewari, in original are hereby forwarded to your honour for your honour's kind perusal. It is pertinent here to mention that the compromise entered into between the present parties appears to be genuine and entered into with their free will and consent and without any fear or pressure of any kind. It is also pertinent here to mention that as per the statement of the S.I.Tej Singh, No.51/Nuh, P.S.Rampura, Rewari the present FIR was registered against 08 accused persons namely Dholu Ram son of Maha Singh, 2. Keli Devi w/o Maha Singh, 3. Basti Ram son of Mukh Ram, 4. Bimla Devi w/o Basti Ram, 5. Budh Ram son of Basti Ram, 6. Sheela Devi w/o Budh Ram, 7. Ramesh son of Basti Ram and 8. Santosh Devi w/o Ramesh all residents of Village Nainsukhpura, Rewari. However during investigation only accused Dholu Ram and Keli Devi were found involved in the matter and remaining 06 accused persons were found innocent during the investigation. Apart from present case one more case bearing FIR No.163 dated 17-12-2018 under sections 294, 323, 506 of IPC is also registered against accused Dholu Ram at Police Station Jatusana, Rewari. Accused Dholu Ram and Keli Devi have not been declared proclaimed offender in any case. It is further submitted that accused Dholu Ram has already expired on 02-12-2022 and copy of duly verified death report of accused Dholu Ram from concerned Police Station alongwith copy of his death certificate are also annexed herewith.”

5. Learned counsel for the petitioners contend that the FIR was registered against the petitioners and 06 other relatives who were found 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 09.11.2008 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 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

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of judgment and decree dated 22.11.2022 passed by the learned Family Court, Rewari. Respondent No.2 is employed in Haryana Police and her entire claim of permanent alimony and *Istri Dhan* has been settled. Furthermore, during the pendency of the petition, petitioner No.1 has died on 02.12.2022.

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

7. After hearing the 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.

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.207 dated 14.09.2017 under Sections 323/34/406/498-A/506 IPC, registered at Police Station Rampura, District Rewari and all the

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consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioner No.2 only.

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

30.10.2023

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(VIVEK PURI)
JUDGE

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