

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44394-2023
Date of Decision: 22.11.2023

SUNNY BAWEJA AND OTHERS ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. R.K.Girdhwal, Advocate
 for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Abhishek Ghangas, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. Petitioners are seeking to quash the FIR No.478 dated 03.04.2018 under Sections 498-A/506/323/34 IPC registered at Police Station City Panipat and all the consequential proceedings arising therefrom on the basis of compromise.
2. On 05.09.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 05.09.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Panipat has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. As per statement of Investigating Officer, there are four accused persons namely Sunny Baweja, Krishan Lal Baweja, Kousalya Rani and Rahul Baweja in present FIR.

2. As per statement of Investigating Officer, accused Sunny Baweja, Krishan Lal Baweja, Kousalya Rani and Rahul Baweja have never been declared proclaimed person.

3. Compromise in question appears to be

voluntary, out of free will and without any coercion or undue influence, it appears to be genuine.

4. As per statement of Investigating Officer, there is no other criminal case lodged against accused persons.

5. As per statement of Investigating Officer, only one person is victim in the present case and she is the complainant herself in this FIR.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 18.01.2017 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 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 the Hindu Marriage Act in terms of the judgment and decree dated 30.09.2023 passed by the learned Family Court, Panipat. A sum of Rs.5 lac has been paid on account of permanent alimony. Respondent No.2 has received all her articles of istridhan and nothing else is due payable to her by the petitioners. 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.

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.478 dated 03.04.2018 under Sections 498-A/506/323/34 IPC registered at Police Station City Panipat and all the consequential 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.

22.11.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No