

CRM-M-44405-2023

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2023 : PHHC : 149421

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44405-2023

Date of Decision: 23.11.2023

MANDEEP SINGH AND ANOTHER

... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K.Aggarwal, Advocate for the petitioners.

Mr. Sanjeev Kumar, Addl. AG Haryana.

Mr. Tejas Bansal, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 96 dated 18.10.2018, under Sections 323/406/498-A/506/34 IPC, 1860 registered at Police Station Rori, District Sirsa and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 05.09.2023, 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 05.09.2023, learned Judicial Magistrate First Class, Sirsa has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“Queries were also put to the parties regarding the genuineness of the compromise during the proceedings. During query, parties have replied that the compromise

has been entered into with their free Will without any threat, coercion or undue influence from any corner.

It is submitted that there is only one complainant Amandeep Kaur in the present FIR and there is no other accused other than Mandeep Singh, Manjeet Kaur and Avtar Singh (since deceased). As per statements of parties and Investigating Officer, accused Mandeep Singh and Manjeet Kaur have never been declared proclaimed offender and are not involved in any other FIR. The victim/complainant as well as accused Mandeep Singh and Manjeet Kaur are party to the compromise in question.

4. Learned counsel for the petitioners contend that the FIR was regisitered against the petitioners and three other relatives. Avtar Singh, the father-in-law of respondent No.2 has since died and Annexure P-2 is the copy of death certificate. The other two relatives were found to be innocent and challan has been presented only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 10.07.2016 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise/agreement dated 13.06.2023 (Annexure P-3). Petitioner No.1 and respondent No.2 have resumed co-habitation. Respondent No.2 along with minor daughter is happily residing in the matrimonial house with petitioner No.1. 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.96 dated 18.10.2018, under Sections 323/406/498-A/506/34 IPC, 1860 registered at Police Station Rori, District Sirsa and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

23.11.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No