

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

**CRM-M-48098-2023
Date of decision: 16.12.2023**

NITISH PHOUGAT AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Viresh Dahiya, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Vicky Chauhan, 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.949 dated 09.12.2018 under Sections 323/34/406/498-A/506 IPC, 1860 registered at Police Station Sonipat City, District Sonipat and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 22.09.2023, parties were directed to appear before the Trial Court/Illaqa 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 22.09.2023, learned Chief Judicial Magistrate, Sonapat has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“In these circumstances, it is concluded that the statements

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of the parties are bona fide and are not result of any threat, duress or coercion in any manner and hence compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence and is valid one. In the abovesaid FIR No.949 dated 09.12.2018 under Sections 323/34/406/498-A and 506 IPC, PS City, Sonapat, IO of the present case appeared and suffered a statement, which is Annexure-IV (Annexed herewith in original). As per statement of I.O./SI Krishan Kumar no.59 RR, PS City, Sonapat in the present case bearing FIR No.949 dated 09.12.2018 under Sections 323/34/406/498-A and 506 of IPC, PS City, Sonapat, there are three accused namely Nitish, Mahabir and Saroj. There is no other case registered against them in his knowledge and Lalita is the only victim/complainant in the present FIR. There is no proclaimed person in FIR No.949 dated 09.12.2018 under Sections 323/34/406-498-A and 506 of IPC, PS City, Sonapat.”

5. Learned counsel for the petitioners contend that the FIR has been registered against the petitioners and two other relatives but the challan has been presented only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 10.02.2018 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 of judgment and decree dated 18.12.2023 passed by the learned Family Court, Sonapat. 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.

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.949 dated 09.12.2018 under Sections 323/34/406/498-A/506 IPC, 1860 registered at Police Station Sonipat City, District Sonipat 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.

16.12.2023

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(VIVEK PURI)
JUDGE

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