

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51623-2022 (O&M)
Date of Decision: 12.07.2023

VIKAS SINGLA AND ORS. ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Navneet Kaur, Adovate,
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Ms. Gurmeet Kaur, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.09 dated 02.02.2021 under Sections 323/342/406/498-A of the Indian Penal Code, registered at Women Police Station Ambala City, District Ambala and all the consequential proceedings arising therefrom on the basis of the compromise.
2. On 13.04.2023, the parties were directed to get their statements recorded before the learned Illaqa/Duty Magistrate.
3. In compliance of the order dated 13.04.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ambala has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Regarding point (i) *It is humbly submitted that three persons namely Vikas Singla, Rajesh Singla and Sudha have been arraigned as accused in present FIR and two accused namely Rajesh*

Singla and Sudha were challaned in present FIR and none of them have been declared as P.O. in this FIR. They have already appeared before the Court and made a statement regarding their compromise with complainant Aarchi Singla. Further, it is humbly submitted that husband of complainant is out of India and not joined into the investigation till date and only accused Rajesh Singla and Sudha were challaned by police.

Regarding point (ii) *Further, it is humbly submitted that I have also personally satisfied myself that the complainant Aarchi has arrived at a compromise with accused persons namely Rajesh Singla and Sudha without any coercion, undue influence or pressure and the complainant has no objection in case the present FIR against the accused persons, is ordered to be quashed by Hon'ble High Court.*

Regarding point (iii) *It is humbly submitted that as per the statement of IO, no other FIR is pending against accused persons.*

Regarding point (iv) *it is humbly submitted that trial is at the stage of prosecution evidence.”*

4. Learned counsel for the petitioners contend that the marriage of the petitioner was solemnized on 19.09.2014 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 the 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 03.05.2023 passed by the learned Family Court, Ambala. Respondent No.2 does not want any alimony. She

has received all her articles of *istridhan* as well as academic documents. The statement of respondent No.2 recorded by the learned trial Court indicates that compromise has been effected with all the petitioners. Nothing else is due payable by petitioner No. 1 to respondent No.2. The parties have withdrawn the other respective cases instituted by them.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that she 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.

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***, upheld 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.09 dated 02.02.2021 under Sections 323/342/406/498-A IPC, registered at Women Police Station Ambala City, District Ambala and all the consequential proceedings arising therefrom on the basis of the compromise are ordered to be quashed, however, qua the petitioners only.

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

12.07.2023

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned

Whether Reportable

: Yes/No

: Yes/No