

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

CRM-M-53975-2022

Date of decision: 20.09.2023

NARENDER SONI

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gaurav Antwal, Advocate for the petitioners.
Mr. Surinder Kumar Dagar, DAG, Haryana.
Mr. Naveen Sharma, Advocate for
Mr. Arun Gupta, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

1. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.915 dated 13.09.2018 under Sections 323/34/498-A IPC, 1860 registered at Police Station Sirsa City, District Sirsa and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 03.07.2023, 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 03.07.2023, learned Judicial Magistrate 1st Class, Sirsa has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Statement of ASI Deepak no.148/SRS, Investigating officer of the present case was also recorded. As per his statement, he is investigating officer of the present case. As per record FIR No.915 dated 13.09.2018, u/s 323/498-A of IPC, P.S. City Sirsa was lodged upon the complaint of complainant Pinki alias Akriti Soni against accused Narender Soni.

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There is only one complainant namely Pinki alias Akriti Soni and one accused namely Narender Soni in the present case. As per record above said accused is not involved in any other FIR and he has not been declared as Proclaimed Offender by any court of law. The victim/complainant as well as accused are party to the compromise in question.

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 Pinki alias Akriti Soni in the present FIR and there is no other accused other than Narender Soni. As per statements of parties and Investigating Officer, accused Narender Soni has never been declared proclaimed offender and is not involved in any other FIR.”

5. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 24.09.2012 and a daughter has been born from the wedlock. Initially, the FIR was registered against the petitioner and his parents. However, the parents of the petitioner were found to be innocent and challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 16.09.2022 (Annexure P-2). The marriage of the petitioner 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 11.08.2023 passed by the learned Family Court, Sirsa. The petitioner has paid a sum of Rs.8,00,000/- to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else due payable to her by the petitioner. The custody of minor daughter shall remain with respondent No.2. 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.915 dated 13.09.2018 under Sections 323/34/498-A IPC, 1860 registered at Police Station Sirsa City, District Sirsa and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

20.09.2023

(VIVEK PURI)
JUDGE