

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

**CRM-M-54634-2022(O&M)
Date of decision:05.07.2023**

KAMAL SACHDEVA AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sagar Aggarwal, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Ms. Prarthana Duggal, Advocate for
Mr. Balvinder Sangwan, 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.328 dated 29.04.2017 under Sections 323/34/377/406/498-A/506 IPC, registered at Police Station Sector-8, Faridabad, District Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 02.12.2022, parties were directed to appear before the Area Magistrate/Trial Court 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 02.12.2022, learned Judicial Magistrate 1st Class, Faridabad has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(1) As per statement of IO, there are two accused persons, namely Kamal Sachdeva and Kamlesh Sachdeva, arrayed in the FIR are present, and recorded their statements. No accused is proclaimed offender.

(2) Ms. Rebecca Singh Middha is the only complainant in this case, who appeared and made her statement in support of the compromise.

(3) The present case is at the stage of prosecution evidence.

(4) The compromise is genuine, voluntary and out of free will of the parties.

(5) No criminal case is pending against the present accused person.”

5. Learned counsel for the petitioners contend the marriage of petitioner No.1 was solemnized with respondent No.2 on 25.11.2016 but no child has been born from the wedlock. Initially, the FIR was registered against the petitioners and two other relatives. However, during the course of investigation, the other relatives were found to be innocent and challan has been presented only against the petitioners. 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 14.12.2022 passed by the learned Family Court, Faridabad. A sum of Rs.5,00,000/- 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 she 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

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***, upheld 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.328 dated 29.04.2017 under Sections 323/34/377/406/498-A/506 IPC, registered at Police Station Sector-8, Faridabad, District Faridabad 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.

05.07.2023
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(VIVEK PURI)
JUDGE

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