

CRM-M-53439-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(299)

CRM-M-53439-2023

Date of decision: 11.12.2023

Amit Thakral

...PETITIONER

VERSUS

State of Haryana and anr.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Navmohit Singh, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Mukul Ahuja, 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.709 dated 28.10.2019 under Sections 323, 406, 498-A, 506,34, IPC (Section 34 deleted later on), registered at Police Station Hansi City, District Hansi (Annexure P-1) and all subsequent proceedings on the basis of compromise (Annexure P-2) dated 11.09.2023.

2. On 19.10.2023, 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 02.12.2023, learned Judicial Magistrate First Class has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) As per the statement of the IO Insp. Ram Niwas, No.608/RTK and records of the case, three accused namely Amit son of Ramesh, Shashi wife of Ramesh and Ramesh son of Vadu Ram residents of Rampura Mohalla, Hansi have been arrayed as accused in the FIR. However, during investigation conducted by Sh. Rohtash Singh, HPS, DSP, City Hansi, two accused namely Ramesh and Shashi had been found innocent and challan had been filed only against accused Amit Thakral.

(ii) As per the statement of IO Insp. Ram Niwas, No.608/RTK and records of the case file, accused Amit Thakral has not been declared proclaimed offender.

(iii) With regard to the report sought by the Hon’ble High Court, it is most respectfully submitted that the undersigned is satisfied with regard to the genuineness and voluntariness of the compromise and that the same is not result of any pressure or coercion in any manner. Both the parties have suffered their separate statements in the presence of their respective counsels regarding their compromise voluntarily.

(iv) As per the statement of IO Insp. Ram Niwas, No.608/RTK, except the present case, another case bearing FIR No.290/2022, under Sections-323, 506, 34 IPC, PS City, Hisar is pending against the accused Amit Thakral.

(v) As per the statement of IO Insp. Ram Niwas, No.608/RTK and records of the case file, there is only one victim/complainant namely Chhaya in the present case.”

5. Learned counsel for the petitioner contends that FIR was registered against the petitioner and his parents who were found innocent during the course of investigation. The challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 10.07.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicable settled between the parties in terms of the compromise (Annexure P-2). The petitioner No.1 shall pay a sum of Rs.24,11,000/- to respondent No.2 in full and final settlement of her claim for permanent alimony. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13B of the Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family Court, Hisar camp at Hansi wherein the statements of the parties at the stage of first motion have been recorded. The petitioner No.1 has already paid a sum of Rs.12,00,000/- to respondent No.2 and the balance amount of Rs.12,11,000/- shall be paid to respondent No.2 when the statements of the parties are recorded at the stage of second motion. The respondent No.2 has received all her articles of Istridhan and nothing else is payable to her from the petitioner. 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 private dispute of the co-villagers 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.709 dated 28.10.2019 under Sections 323, 406, 498-A, 506,34, IPC (Section 34 deleted later on), registered at Police Station Hansi City, District Hansi (Annexure P-1) on the basis of compromise (Annexure P-2) dated 11.09.2023 with all consequential proceedings

arising therefrom, is ordered to be quashed, however, qua the petitioner only.

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

11.12.2023
spn

(VIVEK PURI)
JUDGE

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