

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

**CRM-M-57982-2023(O&M)
Date of decision: 18.12.2023**

VISHESH KILEWALA

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Parashar, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Nimanyu Gautam, Advocate for
Mr. Vikram Vir Sharda, 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.161 dated 29.09.2020 under Sections 323/34/354-A/406/498-A/506 IPC, 1860 registered at Women Police Station, Ballabgarh District Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise.
2. Reply by way of affidavit of Rajesh Kumar Lohan, HPS, Assistant Commissioner of Police, Tigaon, District Faridabad on behalf of the respondent-State has been filed and the same is taken on record.
3. On 17.11.2023, 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.
4. 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.
5. In compliance of the order dated 17.11.2023, learned Judicial Magistrate 1st Class, Faridabad has recorded the statements of the parties and submitted the

“It is further submitted that I am satisfied that complainant Swati Soni and accused Vishesh Kilewala have entered into a compromise, which appears to be valid, voluntary and genuine, without any coercion or undue influence.

Secondly, complainant Swati Soni D/o Suresh Verma had made a complaint to the police on 29.09.2020 against a total of six persons, namely, Vishesh Kilewala, Sudesh Kilewala, Anju Kilewala, Shruti Dillival, Sandhya Soni and Vidhu Dillival. However, the police filed challan only against present accused Vishesh Kilewala.

Lastly, from the statements of accused as well as that of Investigating Officer recorded on 30.11.2023, I am satisfied that accused Vishesh Kilewala has never been declared as Proclaimed Offender/Person in this case or any other case and he is not involved in any other case, besides the instant case. Further, there is only one victim in the FIR i.e. the complainant Swati Soni.”

6. Learned counsel for the petitioner contends that the FIR has been registered against the petitioner and 04 other family members, who were found to be innocent during the course of investigation and the challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 20.02.2015 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of memorandum of understanding/mutual settlement dated 11.09.2023 (Annexure P-2). The petitioner and respondent No.2 have resumed co-habitation. Respondent No.2 along with the daughter is happily residing in the matrimonial house with the petitioner. At present, no other case is pending between the parties.

7. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

8. 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

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.

9. 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.

10. 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*.

11. 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.161 dated 29.09.2020 under Sections 323/34/354-A/406/498-A/506 IPC, 1860 registered at Women Police Station, Ballabgarh District Faridabad and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

18.12.2023

renubala

(VIVEK PURI)
JUDGE

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