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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-1516-2023****Date of Decision: 26.07.2023****SANJEEV KUMAR AND OTHERS
V/S****... PETITIONERS****STATE OF HARYANA AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Balraj Gujjar, Advocate for the petitioners.
Mr. Ram Kumar Singla, DAG Haryana.
Mr. Vikas Saroha, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 868 dated 13.12.2014 registered under Sections 323, 406, 498-A, 506 of the Indian Penal Code at Police Station Ballabgarh City, District Faridabad, Haryana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. On 17.02.2023, the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.

3. In compliance of the order dated 17.02.2023, learned Addl. Chief Judicial Magistrate, Faridabad has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“On the basis of above statements and police

report, report of the undersigned on the required points is as under:

- i) Total number of persons arrayed as accused in the FIR were four namely Sanjeev Kumar, Sukhwati, Ramphool @ Phool Singh and Sapna. As per statement of IO, earlier accused Sanjeev was declared P.O. and later on he was arrested and one case under section 174 A IPC is registered against him.
- ii) As per statements of the parties as referred above, undersigned is of the view that compromise between the parties is genuine, voluntary and without any coercion or undue influence;
- iii) As per statement of IO, accused Sanjeev is involved in another case under section 174A IPC and no criminal case is pending against the remaining accused.
- iv) As per file, case is pending before this court for defence evidence.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 30.11.2012 and a daughter 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 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 the judgment and decree dated 15.03.2023 passed by the learned Family Court, Faridabad. The custody of the minor daughter shall remain with respondent No.2. All the disputes between the parties with regard to claim for *Istridhan*, maintenance and share of the property has been settled and nothing is due to respondent No.2 from the petitioners. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is

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 (Annexure P-2). The compromise is without any pressure and is 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 offenses 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. Accordingly, the present petition is allowed and FIR No. 868 dated 13.12.2014 registered under Sections 323, 406, 498-A, 506 of the Indian Penal Code at Police Station Ballabgarh City, District Faridabad, Haryana and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

26.07.2023

Janki

(VIVEK PURI)
JUDGE

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