

CRM-M-28388-2020(O&M)
Date of decision: 15.10.2020

AMIT @ AMIT KUMAR AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Aditya Sanghi, Advocate
for the petitioners.

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. Lokesh Sharma, Advocate
for respondent No.2.

*(The case has been taken up through video conferencing on account
of Covid-19 Pandemic).*VIVEK PURI, J. (ORAL)

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. 330 dated 12.10.2015 under Sections 498-A/406/506/34 of IPC, registered at Police Station Sirsa Sadar, District Sirsa all the consequential proceedings arising therefrom, on the basis of compromise.

On 17.09.2020, 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.

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.

In compliance of the order dated 17.09.2020, learned Chief Judicial Magistrate, Sirsa has recorded the statements of the parties and submitted its

“ I have the honour to submit that in compliance of order dated 17.09.2020 passed by the Hon’ble Punjab and Haryana High Court, Chandigarh in CRM-M-28388-2020 titled as ‘Amit @ Amit Kumar and Ors. Vs. State of Haryana and anr.’ both the parties namely Smt. Promila(complainant), Amit @Amit Kumar, Ram Singh and Smt. Barkha (Accused) appeared before the Court of undersigned on 30.09.2020 and got their statements recorded to the effect that the matter has been compromised between them voluntarily and without any coercion or undue influence. Complainant also stated that she is the complainant of present case. It is further submitted that initially FIR registered against four accused i.e. Amit, Ram Singh, Barkha and Mamta and thereafter on 27.10.2015, accused Mamta was found innocent and on 05.12.2015, challan against accused Amit, Ram Singh and Barkha was presented before the Court. In the opinion of undersigned the matter in question has been compromised voluntary without any threat, coercion or undue influence. Compromise is genuine. There is no other accused in this case except the petitioners named above and no other complainant/aggrieved party except the respondent No.2. The original statements of parties, are being sent herewith for your kind perusal ”.

Precisely, the FIR was registered on account of marital discord between the petitioner and respondent No.2.

Both the parties have stated that the matter has been amicably settled between them. It has also been stated that a petition under Section 13 B of the Hindu Marriage Act for dissolution of marriage by mutual consent has already been instituted wherein statements of the parties at the stage of first motion have also been recorded.

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.

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***,

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. 330 dated 12.10.2015 under Sections 498-A/406/506/34 of IPC, registered at Police Station Sirsa Sadar, District Sirsa and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

15.10.2020
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(VIVEK PURI)
JUDGE

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