

Varun Dua

... Petitioner

v/s

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Surinder Gaur, Advocate for the petitioner.
Mr. Rajneesh Chadwal, AAG Haryana.
Mr. Lalit Chander Sharma, Advocate
for respondent No.2.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 73 dated 11.3.2021, under sections 498-A/406 IPC registered at Police Station Arya Nagar, Rohtak, District Rohtak and all the consequential proceedings arising therefrom, on the basis of compromise dated 31.7.2021 (Annexure P-3).

On 20.08.2021, notice of motion was issued and 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 sent his report regarding genuineness of the compromise.

In compliance of the order dated 20.08.2021, learned Judicial Magistrate 1st Class, Rohtak has recorded the statements of the parties and submitted her report, the relevant para whereof reads as under:-

“On 25.10.2021, Complainant Deepika and Accused Varun Dua appeared again for getting recorded their statements before this Court. They have stated about their settlement/compromise and affirmed having no grievance against each other and have prayed for quashing of aforementioned FIR, with their free will and volition and without any pressure.

5. Further as desired, Investigating Officer L/ASI Rekha, Belt No. 595/Rtk, P.S. Arya Nagar, Rohtak, got recorded his statement that there are no proclamation proceedings pending against any of the party. It is further mentioned that no accused person has been declared proclaimed offender, at any stage of present FIR.

6. Hence, in compliance of Orders of Hon'ble High Court, statement of parties have been duly recorded by this Court and is being submitted.

7. It is submitted that I am satisfied that the matter has been settled between Complainant Deepika and Accused Varun Dua amicably/voluntarily, without any pressure or coercion and the compromise appears genuine on the face of record.”

The matrimonial dispute has been amicably settled. The parties have also preferred a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by a decree of divorce by mutual consent

wherein the statements at the stage of first motion have already been recorded.

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-3). 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.

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*.

Accordingly, the present petition is allowed and FIR No. 73 dated 11.3.2021, under sections 498-A/406 IPC registered at Police Station Arya Nagar, Rohtak, District Rohtak and all the consequential proceedings arising therefrom are quashed qua petitioner.

22.11.2021

Janki

(VIVEK PURI)
JUDGE

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