

CRM-M-37152-2021

Date of decision: 09.11.2021

VIKAS CHANDANA AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Surender Saini, Advocate
for the petitioners.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. P.R. Yadav, Advocate
for the complainant/respondent No.2.

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. 455 dated 02.12.2017 under Sections 354/376/377/34 IPC, registered at Police Station Civil Line Sonapat and all the consequential proceedings arising therefrom, on the basis of compromise dated 16.08.2021 (Annexure P-5).

On 09.09.2021, 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 09.09.2021, learned Judicial

Magistrate 1st Class, Sonipat has recorded the statements of the parties and submitted its report dated 22.10.2021, the relevant para whereof reads as under:-

“ The complainant Jyoti Chandna appeared before the undersigned and has stated that she has settled her dispute regarding matrimonial issues with the accused Vikas Chandana and his family members and they are living together from the last two years under one roof and now there is no dispute between them. She further stated that she does not want to pursue the present FIR No. 455 dated 02.12.2017 and she has not objection if the present FIR against the said accused is quashed by the Hon’ble Punjab and Haryana High Court. The copy of compromise deed (Annexure C-1) effected between the parties has been placed on record. She stated that the compromise is without fear, undue influence, fraud or coercion and that she is giving her statement at her own free will.

The accused Vikas Chandana has also got recorded his statement to the effect that he has settled his dispute regarding matrimonial issues with Jyoti Chandana and her family members and they are living together from the last two years under one roof and now there is no dispute between them. He stated that as per the settlement it is agreed that the complainant has no objection in quashing of the present FIR and he thereby requested the present FIR may kindly be quashed. The copy of compromise deed (Annexure C-1) effected between the parties has been placed on record. He further stated that the compromise is without any pressure, fear, undue influence, fraud or coercion and the he is giving his statement at my own free will.

I have inquired from both the parties, especially from complainant Jyoti Chandana who has stated that the compromise has been arrived between them voluntarily and the same is not due to any pressure, fear, threat, coercion or undue influence from the accused side.

Further, the undersign to confirm the identity of the parties has seen and returned the original Aadhar Card of the parties and the copies of the same are placed on case file. Moreover, the

parties have also been identified by the Advocates.

So, in view of the aforesaid facts, I am of the considered view that the compromise effected between the parties is without any pressure, fear, threat, coercion or undue influence from either of the sides and is a genuine compromise.

With regard to the directions in order dated 09.09.2021, the report of the investigation agency was sought and according to the report of the Investigating Agency, no proclaimed offender proceedings are pending against any of the party as per their record.”

It has been stated that the matrimonial dispute has been amicably settled between the parties. Petitioner No.1 and respondent No.2 are stated to be residing happily together. Furthermore, offence with respect to Sections 354/376 and 377 IPC have been deleted. The final report has been submitted for the commission of offence punishable under Sections 323/498-A read with Section 34 IPC.

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 16.08.2021 (Annexure P-5). 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. 455 dated 02.12.2017 under Sections 354/376/377/34 IPC, registered at Police Station Civil Line Sonapat 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.

09.11.2021
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(VIVEK PURI)
JUDGE

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