

HARISH BANSAL AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jagjot Singh Lalli, Advocate
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

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. 75 dated 04.07.2017 under Sections 323/377/406/498-A/506 IPC, 1860, registered at Women Police Station, District Karnal and all the consequential proceedings arising therefrom, on the basis of compromise dated 13.09.2021 (Annexure P-2).

On 29.09.2021, 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 29.09.2021, learned Judicial Magistrate 1st Class, Karnal has recorded the statements of the parties and submitted its report dated 02.11.2021, the relevant para whereof reads as under:-

“ I have the honour to submit that in view of the order dated 29.09.2021 passed by Hon'ble High

Court in CRM-M-40371-2021 titled as Harish Bansal and others Vs. State of Haryana and another Manisha Jain, complainant and petitioner/accused Harish Bansal, Anil Bansal, Sudesh Bansal and Ravi Bansal appeared. Thereafter, statement of Manisha Jain was recorded. Copies of which is Annexure-I. She was identified by her respective counsel Sh. Rajan Gupta, Adv. She vide her separate statement stated that she has compromised the matter with accused Anil etc. in the case FIR No.75 dated 04.07.2017. She requested for quashing of FIR. She placed on record her self attested copies of Aadhar Card to prove her identity. Thereafter, the statement of accused/petitioner Harish, Anil, Sudesh and Ravi were recorded. Copies of which is annexed-II. They are identified by their counsel Sh. Mukesh Chaudhary Adv. Vide their separate statement, they stated that they had compromised the matter with respondents without any pressure. They requested that FIR may be quashed.

On the basis of statements of petitioner/accused Harish, Anil, Sudesh and Ravi and respondent-complainant Manisha Jain, undersigned is of the view that compromise between them is valid and has been effected without there being any kind of influence or coercion. It is further submitted that as per order dated 29.09.2021 in CRM-M-40371-2021, the following facts are reported as follows:-

(i) A perusal of the records of the case reveal that in the present case, no proceedings qua proclaimed offender is initiated against accused persons i.e. Harish, Anil, Sudesh and Ravi.”

It has been stated that both the parties are presently residing happily together.

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 13.09.2021 (Annexure P-2). 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. 75 dated 04.07.2017 under Sections 323/377/406/498-A/506 IPC, 1860, registered at Women Police Station, District Karnal 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.

29.11.2021
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(VIVEK PURI)
JUDGE

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