

KUMAR CHANDAN

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajesh Lamba, Advocate
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

VIVEK PURI, J. (ORAL)

Status report/reply by way of affidavit of Safiuddin, HPS, Assistant Commissioner of Police, Women Safety, District Faridabad on behalf of the respondent-State has been filed and the same is taken on record.

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 71 dated 21.03.2021 under Sections 323/34/406/498-A/506 IPC, 1860 (Sections 354A/377 IPC deleted) registered at Women Police Station NIT, Faridabad, District Faridabad, and all the consequential proceedings arising therefrom, on the basis of compromise dated 30.07.2021 (Annexure P-4).

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, Faridabad has recorded the statements of the parties and submitted its report dated 26.11.2021, the relevant para whereof reads as under:-

“Vide order dated 29.09.202, passed by the Hon’ble High Court, the parties in the present case were directed to appear before the trial Court for recording of their statements and trial Court was directed to record the statements of the parties regarding compromise. Trial Court was further directed to send a report regarding the authenticity and genuineness of compromise on or before the date fixed.

On 29.09.2021, complainant Smt. Pooja Karn appeared before the Court. Accused Kumar Chandan also appeared for recording the statement of compromise. The nature and consequence of the statement being recorded by both the parties were explained to them and after being satisfied that the statements were being made voluntarily, statements of the concerned parties were recorded. Statement of complainant Pooja Karn and accused Kumar Chandan were recorded with regard to their compromise. Complainant Smt. Pooja is duly identified by his counsel Shri Joginder Singh, Advocate. There is only one person i.e. Kumar Chandan arrayed as accused in the FIR. There is only one complainant Smt. Pooja Karn.

Statement of IO also recorded and report has been submitted by th IO L/ASI Rajni in which it has been that accused is not proclaimed offender in the present FIR. It is further stated that accused in the present case is not involved in any other case.

In view of the statements of the interested parties, the undersigned is satisfied that they have compromised the matter amongst themselves is without any coercion or undue influence and that the compromise has been genuinely and voluntarily arrived at between them. Statements of the interested parties in original, photocopies of identity cards, photocopy of compromise and statement of Investigating Officer L/ASI Rajni are enclosed herewith.”

It has been stated that parties have filed an application under Section

wherein the statements of the parties at the stage of first motion have already 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 30.07.2021 (Annexure P-4). 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. 71 dated 21.03.2021 under Sections 323/34/406/498-A/506 IPC, 1860 (Sections 354A/377 IPC deleted) registered at Women Police Station NIT, Faridabad, District Faridabad 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