

PARDEEP KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mahender Singh Chahal, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Harish Mehla, Advocate for
Ms. Monika Thakur, Advocate
for respondent Nos.2 and 3.

VIVEK PURI, J. (ORAL)

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. 243 dated 09.07.2015 under Sections 498-A, 323 and 506 IPC, 1860, registered at Police Station Jind Sadar, District Jind (Haryana), and all the consequential proceedings arising therefrom, on the basis of compromise dated 21.09.2021 (Annexure P2).

On 04.12.2021, 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 04.10.2021, learned Judicial

Magistrate 1st Class, Batala has recorded the statements of the parties and submitted its report dated 08.11.2021, the relevant para whereof reads as under:-

“Vide the captioned order, this Court was under directions of the Hon’ble High Court, to record statements regarding compromise between the parties, to report regarding genuineness of the same, as also to intimate whether any P.O. proceedings are pending against any party. As per reports received from the concerned SHO, no P.O. proceedings are pending against either the accused or the complainant. Copy of the relevant reports are attached for kind perusal. Further, both parties, in their respective statements have admitted to a compromise having been arrived at between them, in this case. Accused Pradeep has stated that the dispute has been compromised for a consideration of Rs.5,00,000/- out of which, he has paid Rs.2,00,000/- to the complainant at the time of first motion in a petition under Section 13-B and the balance amount shall be so paid at the time of second such motion. Both parties have admitted that all cases filed against each other shall be withdrawn except the case of custody of children, as stated by complainant Kavita.

In view of the above statements, it appears that the compromise entered between the parties is due to a consideration of Rs.5,00,000/- to be paid by the accused in the present case to the complainant in the present case, in return for withdrawal of criminal cases against him, while he has also agreed to withdraw a criminal case filed by him against the complainant in the present case. The compromise thus, seems to be predicated on the monetary consideration as above as also the threat/inducement of facing/withdrawal of ‘criminal’ cases against the parties involved, by each other,

especially considering the fact that the only 'civil' case pending between the parties-that of custody of children, is not part of the compromise for withdrawal of cases, as admitted by the complainant Kavita. Copy of statements of the parties are also attached for kind perusal of the Hon'ble High Court."

It has been stated that the present FIR has been registered on account of matrimonial dispute and the same has been amicably settled. The parties have instituted the petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of marriage wherein, statements of the parties at the stage of first motion have been recorded. Respondent No.2 has made a categorical statement before the learned Additional Chief Judicial Magistrate, Jind, with regard to withdrawal of the case.

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 21.09.2021 (Annexure P2). 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. 243 dated 09.07.2015 under Sections 498-A, 323

and 506 IPC, 1860, registered at Police Station Jind Sadar, District Jind (Haryana) 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.

03.12.2021

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(VIVEK PURI)
JUDGE

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