

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-45408-2021

Date of Decision: December 15, 2021

Vinod and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ankur Lal, Advocate,
for the petitioners.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Deepam Raghav, Advocate,
for respondent no.2.

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

Vivek Puri, J.

Present petition under Section 482 Cr.P.C. is for quashing of
FIR No.147, dated 17.06.2018, under Sections 323/498-A of the Indian
Penal Code, registered at Police Station Bawani Khera, District Bhiwani
and all the consequential proceedings arising therefrom, on the basis of
compromise dated 01.10.2021 (Annexure P-2).

It has been contended by the learned counsel for the
petitioners that matrimonial dispute has been amicably settled between the
parties. The petition under Section 13-B of the Hindu Marriage Act for

dissolution of marriage has been allowed and the marriage between petitioner no.1 and respondent no.2 has been dissolved by a decree of divorce in terms of judgment dated 29.07.2021 passed by the learned Principal Judge, Family Court, Bhiwani.

The report of the learned Judicial Magistrate 1st Class, Bhiwani indicates that the statement of the I.O. could not be recorded, however, it has been specifically mentioned in the report that the present case has been registered against two accused only i.e. the petitioners and furthermore, there is only one victim/complainant in the present case which is also made out in the contents of the FIR. This aspect of the matter has also not been disputed by the learned counsel appearing for the parties.

On 29.10.2021, notice of motion was issued and parties were directed to appear before the Illaqa Magistrate/trial Court and get their statements recorded with regard to the compromised arrived at between them.

The trial Court was directed to record the statements of all the concerned and sent its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 29.10.2021, learned Judicial Magistrate 1st Class, Bhiwani has recorded the statements of the parties and submitted its report, the relevant para whereof reads as under:-

“I have the honour to submit that in compliance of order dated 29.10.2021 in CRM-M-45408-2021 titled as “Vinod and another Vs. State of Haryana and another” passed by Hon’ble Mr. Justice Vikas Bahl, Judge, Punjab and

Haryana High Court, Chandigarh, the parties have appeared before undersigned. The undersigned has personally inquired from parties as well as their counsel about compromise. From interaction with them, undersigned is satisfied that compromise is genuine and entered between parties without any coercion and undue influence. The statement is recorded to the effect that on dated 17.06.2018 she had given complaint against her husband Vinod, brother-in-law Rajesh, mother-in-law Munni Devi and others for taking appropriate action against them. Now a compromise has effected between complainant and accused persons and further the marriage between Minakshi and accused Vinod is already stand dissolved by way of mutual consent. Further stated that compromise between the parties is effected. Hence, FIR registered on the basis of the complaint moved by her by quashed. The statement of accused Vinod and Munni Devi were also recorded in same spirit. After recording of statements, same were read over to the parties and both parties after admitting the contents of the same, put their signatures which are further identified by their respective counsels. This court tried to call investigating officer of this case but court was informed that IO in the present court is transferred to District Kurukshetra. Thereafter, he was also summoned through S.P. Hisar to appear before this court on 10.12.2021. However, it came back with the report that IO Satyawar cannot come as he is busy in law and order duty at Kurukshetra. The original statements of the parties are enclosed herewith.

The report as desired is following:-

- 1) There are five accused namely Vinod, Munni Devi, Rajesh, Parmod and Kamlesh arrayed in FIR but the present case was registered against*

two accused namely Vinod and Munni Devi only. They have appeared and made statement as detailed above.

- ii) None of the accused is declared proclaimed offender.*
- iii) In the considered opinion of this court, the compromise is genuine, voluntary and without any coercion or undue influence.*
- iv) Apart from this case, one petition under Section 13-B of Hindu Marriage Act, 1955 was decided on 29.07.2021 and one petition under Section 125 of Cr.P.C. (M&T 125/354 of 2018) is also withdrawn by the complainant from the court of Sh. Narender Kumar, learned Additional Principal Family Court, Bhiwani on dated 13.08.2021.*
- v) The statement of IO could not be recorded as one being called, it was informed to this court that IO HC Satyawar has been transferred to District Hisar, and at present is deputed on Law and Order Duty at District Kurukshetra. Thereafter, he was also summoned through S.P. Hisar to appear before the court on 10.12.2021. However, it came back with the report that IO Satyawar is busy in law and order duty at Kurukshetra. Due to plausibility of time his statement could not be recorded.*

The report is submitted for your honour's kind information and necessary action please."

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-2). 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. 147, dated 17.06.2018, under Sections 323/498-A of the Indian Penal Code, registered at Police Station Bawani Khera, District Bhiwani and all the consequential proceedings arising therefrom, are quashed qua petitioners only.

December 15, 2021

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(Vivek Puri)
Judge

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