

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-43146-2021 in/and

CRM-M-45122-2021

Date of Decision: 17.12.2021.

NAVIN KUMAR

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. S.S.Khurana, Advocate, for the petitioner.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana.

Ms. Jitender Kaur, Advocate, for applicant/respondent No.2.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to
COVID-19 pandemic.

CRM-43146-2021

Prayer in this application is for correction of typographical error
in the main petition.

It has been stated that the particulars of respondent No.2 have
been wrongly mentioned as Manisha Kumari wife of Rakesh instead of
Manisha Kumari wife of Navin Kumar.

Notice of the application.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana,
has joined proceedings on behalf of respondent No.1-State and Mr.
S.S.Khurana, Advocate, has also joined the proceedings on behalf of the
non-applicant/petitioner. They have not disputed the fact that Navin Kumar is
the husband of respondent No.2. They also state that they have no objection if
the present application is allowed.

In view of the above, the application is allowed. The particulars of respondent no.2 be reflected as Manisha Kumari wife of Navin Kumar instead of Manisha Kumari wife of Rakesh in the memo of parties.

Registry is directed to do the needful.

Application is disposed of.

CRM-M-45122-2021

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.0020 dated 09.02.2021 under Sections 406, 498-A, 506 and 34 IPC registered at Women Police Station, Rewari, District Rewari and all the subsequent proceedings arising therefrom on the basis of compromise.

On 28.10.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 28.10.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Rewari, has sent the report to the following effect:-

“I have the honour to submit that vide order dated 28.10.2021 passed by the Hon'ble Punjab & Haryana High Court in CRM No.M-45122 of 2021, the parties were directed to appear before the trial Court/Illaqa Magistrate on 17.11.2021 to get their statements recorded regarding compromise.

In compliance of the said directions passed by the Hon'ble High Court, the complainant namely Manisha and the accused Navin Kumar appeared before the Court on 17.11.2021 to get their statements recorded. The complainant namely Manisha W/o Navin Kumar made a statement that she has resolved the dispute with the accused person namely Navin Kumar. She further stated that the matter in question has been amicably

settled and the parties have entered into the aforesaid compromise Ex.C-1 voluntarily without any fear, undue pressure or coercion and now there is no misunderstanding between the parties. She also added that she does not want to proceed further against above named accused in this case and the FIR may be quashed. The accused agreed with the statement of the complainant. The statements have been duly identified by their respective counsels.

The Investigation Officer HC Mukesh also made a statement on 25.11.2021 stating that the FIR was registered against total five persons namely Navin, Birender, Bimla Devi, Amilal and Rekha. The challan was presented before the Court on 26.03.2021 against only Navin and there is no accused who has been declared Proclaimed Offender in the matter in hand. It is respectfully reported that the case is pending at the stage of framing of charge.

Here, it is respectfully submitted that in view of the aforesaid statements of the accused person and complainant, it appears that the matter has been voluntarily compromised between the parties and the complainant has entered into a settlement/agreement out of her own volition with the accused person without any pressure or coercion from any corner and the compromise dated 13.10.2021 (Ex. C-1) is genuine.

Hence, the report is submitted, alongwith, the original statements of the complainant, accused and Investigation Officer for onward transmission to the Hon'ble High Court as directed. It is requested that the report alongwith the documents be placed well in time before His Lordship. Photocopies of statements have been retained on file for reference. ”

It has been stated that the matrimonial dispute has been amicably

settled between the parties. A separate petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent has already been instituted, wherein, the statements of the parties at the stage of first motion have been recorded.

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. 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.0020 dated 09.02.2021 under Sections 406, 498-A, 506 and 34 IPC registered at Women Police Station, Rewari, District Rewari and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

17.12.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No