

SUDHIR AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kartar Singh Malik-I, Advocate
for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Parveen Kaushik, Advocate
for respondent No.2.

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. 314 dated 20.06.2018 under Sections 406/498-A and 506 IPC, 1860 registered at Police Station Rohtak Sadar, District Rohtak, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 01.11.2021, 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 01.11.2021, learned Additional Chief Judicial Magistrate, Rohtak has recorded the statements of the parties and submitted its report dated 03.12.2021, the relevant para whereof reads as under:-

“ It is humbly submitted that as directed by Hon’ble High Court vide order dated 01.11.2021 passed in CRM-M-45801-2021, this Court recorded statements of complainant and the accused persons. The information as sought from undersigned vide order dated 01.11.2021 passed by Hon’ble Mr. Justice Jaishree Thakur, Judge, Hon’ble Punjab and Haryana High Court is hereby detailed below:-

*(i) **Besides the accused, whether there is any other accused in the FIR?***

No, besides accused Hariom, Sudhir, Rameshwar, Kavita and Bimla, there is no other accused in the present FIR.

*(ii) **Whether PO proceedings are pending against any of the party?***

No.

*(iii) **Whether the compromise is genuine and is not the result of any fraud or misrepresentation and is the result of free will of the parties?***

Yes, the compromise arrived at between the parties is genuine, voluntarily and without any coercion or undue influence.

Original statement so recorded, report of I.O. concerned and copies of orders of court are attached herewith for kind perusal. ”

Learned counsel for the petitioners contends that the matter has been amicably settled between the parties. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent. He further states that petitions under Section 125 Cr. P.C. and under Sections 12/18/19/20/22/23 of Protection of Women from Domestic Violence Act have already been withdrawn by respondent No.2.

Learned State counsel and counsel for respondent No.2 have no objection in this regard.

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. 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.314 dated 20.06.2018 under Sections 406/498-A and 506 IPC, 1860 registered at Police Station Rohtak Sadar, District Rohtak 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.

21.12.2021
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(VIVEK PURI)
JUDGE

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