

CRM-M-45452-2021

Date of decision: 15.12.2021

RAMAN NEHRA AND ORS .

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Tanmoy Gupta, Advocate
for the petitioners.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Ashok Kumar Munjal, 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. 782 dated 25.09.2015 under Sections 498-A/406/323/354-A/495/34/506 IPC, 1860 registered at Police Station Civil Line, District Gurugram, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 29.10.2021, 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 29.10.2021, learned Judicial Magistrate 1st Class, Gurugram has recorded the statements of the parties and submitted its report dated 07.12.2021, the relevant para whereof reads as under:-

“Vide order dated 29.10.2021 in criminal Misc. CRM-M-45452-2021 passed by the Hon’ble High Court, the trial court was directed to record the statements of the concerned parties with regard to the compromise. The complainant as well as the accused persons have appeared before the court. Copy of order dated 29.10.2021 passed by the Hon’ble High Court has been received whereby this court has been directed to report regarding the compromise between the parties, in pursuance to which, complainant and accused have appeared before the court in person today. Being satisfied that the statements were being voluntarily made, statements of the concerned parties were recorded on oath. Versha (complainant) and Raman Nehra, Ami Lal Nehra and Sumitra Devi (charged accused) have stated on oath that compromise (as per MOU dated 08.09.2021 filed before the Hon’ble High Court) has been effected between the parties. They have further stated that they have no objection if the present case is quashed. In compliance of which the complainant does not want to proceed against accused persons (charged as well as those whose names were mentioned in the FIR but were later discharged by the court) any further. Perusal of the record as well as the statement/reply of the IO submitted today i.e. 22.11.2021 reflect that initially compliant was lodged against six accused namely Raman Nehra (husband), Sumitra Devi (mother-in-law), Ami Lal Nehra (father-in-law), Deepak Yogi (brother-in-law), Sanju Yogi and Manju Yogi (both Sister-in-law). The challan was presented against all the six accused persons, out of whom accused namely Deepak Yogi, Sanju Yogi and Manju Yogi have already been discharged from the court of Sh. Ravish Kaushik, the then Ld. JMIC/GGM on 18.05.2017. Final challan was filed under Sections 498-A/406/323/

354A/506 & 34 IPC . However, section 495 IPC was dropped during investigation.

In the present case, there is one complainant (as per the report of IO) details of whom are as follows:-

1. Versha Chauhan D/o Ramesh Chauhan , R/o House No.17, PWD Colony Civil Lines Gurugram.

In the present case, (as per the report of IO) there are now three accused persons in the case, upon whom charge was framed by the court, their details of are as follows:-

1. Raman Nehra, S/o Sh. Ami Lal Nehra, age 34 years, R/o H.No.63, KH-108, Sainik Puri, Digari Kallan Jodhpur, Rajasthan.

2. Ami Lal Nehra, S/o Sh. Rati Ram Nehra, age 60 years, R/o H.No.63, KH-108, Sainik Puri, Digari Kallan Jodhpur, Rajasthan.

3. Sumitra Devi, W/o Ami Lal Nehra, age 61 years, R/o H.No.63, KH-108 Sainik Puri, Digari Kallan Jodhpur, Rajasthan.

In view of the statements of the interested parties, I am satisfied that, they have compromised the matter amongst themselves without any fear or pressure and that the compromise has been voluntarily arrived at between them. Also this court was directed to report as to whether any of the parties is a proclaimed offender. On which report of IO was sought. Wherein, it is submitted that none of the parties is a proclaimed offender. Statements of the interested parties in original, report of IO as well as the report of the undersigned be sent to the Hon'ble High Court. The statements and report be also sent to the Hon'ble High Court through FAX immediately before the next date of hearing before the Hon'ble High Court i.e. 15.12.2021. Copies of the statements of the parties and the report be also retained on the file for record purposes. Statements of the interested

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties. The marriage between the parties has been dissolved by a decree of divorce by mutual consent.

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. 782 dated 25.09.2015 under Sections 498-A/406/323/354-A/495/34/506 IPC, 1860 registered at Police Station Civil Line, District Gurugram 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.

15.12.2021
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(VIVEK PURI)
JUDGE

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