

CRM-26243-2022 and
CRM-26247-2022 in/and
CRM-M-1327-2022
Date of decision: 07.09.2022

AJAY BANSAL AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anoop Bajwa, Advocate
for the applicant/petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Puneeta Sethi, Advocate
for the respondent No.2/complainant.

VIVEK PURI,J. (ORAL)CRM-26243-2022

This is an application for addition of the names of mother and father of the applicant who have also been arraigned as accused.

It has been submitted that the names of Beena Rani Bansal @ Bina Rani and Ramesh Bansal @ Ramesh Chand Bansal have also been reflected in the FIR as accused. Accordingly, they are allowed to impleaded as party.

Disposed of.

CRM-26247-2022

This is an application for placing on record the amended memo of parties as the parents of the applicant have been impleaded as party.

CRM application is disposed of and amended memo of parties is taken on record.

Registry to tag the same at the appropriate place.

Main case

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.454 dated 23.09.2021 under Sections 323/342/377/406/498-A/506 IPC, registered at Police Station Civil Line, Kaithal, Haryana and all the consequential proceedings arising therefrom, on the basis of compromise.

On 14.02.2022, 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 14.02.2022, learned Chief Judicial Magistrate, Kaithal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Point No.1

Regarding Point No.(1), it is submitted that three accused persons arrayed in the aforesaid FIR. The accused persons named in the FIR are:1) Ajay Bansal son of Ramesh Bansal, 2) Ramesh Bansal son of Luxmi Narayan and 3) Veena wife of Ramesh Bansal.

Point No.2

2. Regarding Point No.2, it is submitted that as per report of Investigating Officer no accused has been declared proclaimed offender in this case.

Point No.3

3. Regarding Point No.3, it is submitted that complianant Nabhika Mittal wife of Ajay Bansal vide her separately recorded statement and accused namely Ajay Bansal son of Ramesh Bansl, Ramesh Bansal son of Luxmi Narayan and Veena wife of Ramesh Bansal vide their joint statement have stated that the compromise has been effected between the parties with their free will and without any coercion or pressure from any corner. The

complainant Nabhika Mittal has also stated that she has compromised the matter with the accused persons and the said compromise Mark-A was effected with her free will and without any coercion or pressure from any corner and was effected through Mediation Centre of the Hon'ble High Court. Accused persons have also stated that compromise is correct and genuine. Copy of compromise has been placed on record as Mark-A. In view of the said statements of the parties, the compromise appears to be effected voluntarily and out of free will. Accordingly, in view of the said statements, it is submitted that the compromise effected between the parties, appears to be genuine.

Point No.4.

4. Regarding Point No.4, it is submitted that the Investigating Officer/ASI Amarjeet has specifically stated that one another case at the instance of Chitra wife of Deepak Bansal bearing FIR No.29 dated 22.05.2016, under Sections 323/406/498-A and 506 IPC, Police Station Women, Panchkula was pending against the accused persons. However, the said FIR was quashed by the Hon'ble High Court vide order dated 15.03.2022. the Investigating Officer also submitted his report as Ex.P1.

5. Regarding Point No.(5), it is submitted that the statement of Investigating Officer has been recorded qua the number of victims/complainants in the present FIR. As per report of Investigating Officer there is only one victim/complainant namely Nabhika Mittal wife of Ajay Bansal in the present FIR. The report of Investigating Officer qua the all the points is Ex.P1."

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 01.02.2017 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation Centre of this Court in terms of settlement/agreement dated 07.12.2021 (Annexure P-2). Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family Court, Kaithal wherein, the statements of the parties at the stage of first

permanent alimony to respondent No.2. A sum of Rs.5,00,000/- has been paid at the time of making statements recorded at the stage of first motion in the proceedings under Section 13-B of Hindu Marriage Act. A draft of Rs.14,00,000/- was handed over to respondent No.2 in this Court on 14.02.2022. A draft worth Rs.3,00,000/- was handed over to respondent No.2 on 19.01.2022 and the balance amount of Rs.13,00,000/- is to be paid at the time of recording the statements of the parties at the stage of second motion in the proceedings under Section 13-B of Hindu Marriage Act. Respondent No.2 has received the articles of *Istri Dhan* and certificates. No other case is pending between the parties. Petitioner Nos.2 and 3 have been impleaded subsequently but their statements have also been recorded by the trial Court.

Learned counsel for respondent No.2 states that she has no objection if FIR is quashed.

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.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

For the aforesaid view, this Court finds support from ***Kulwinder***

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.454 dated 23.09.2021 under Sections 323/342/377/406/498-A/506 IPC, registered at Police Station Civil Line, Kaithal, 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.

07.09.2022
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(VIVEK PURI)
JUDGE

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