

NARENDER KUMAR AND ORS.

..PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Baldev Singh Dhillon, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. B.S. Virk, 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. 383 dated 24.12.2019 under Sections 323/34/354/406/498-A/506 IPC, 1860, registered at Police Station Parao, Ambala Cantt., District Ambala and all the consequential proceedings arising therefrom, on the basis of compromise.

On 15.01.2021, 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 15.01.2021, learned Chief Judicial Magistrate, Ambala has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“In this regard, it is humbly submitted that on 19.1.2021,

the parties appeared in person to get their statements recorded in compliance of the order dated 15.1.2021 passed by Hon'ble High Court. The joint statement of the parties with regard to compromise Ex.C1 was recorded wherein parties stated that they have compromised the matter in dispute with the intervention of their relatives and respectables of the village and are residing together since 25.10.2020. They have reached the compromise without any kind of influence. They identified their signatures/ thumb impressions of compromise Ex.C1. They stated that they have no objection if the aforementioned FIR is quashed.

In view of the statement of the parties, it appears that the parties have compromised the matter in dispute voluntarily and without any coercion or undue influence and the compromise is genuine. ”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties. Petitioner No.1 and respondent No.2 are happily residing together along with minor child. No other case is pending between the parties.

Learned counsel for respondent No.2 states that he has no objection if FIR is quashed. He has also placed on record the affidavit of respondent No.2 which indicates that she along with her minor daughter have started residing with petitioner No.1 w.e.f. 25.10.2020 in the matrimonial house at Barara, District Ambala along with other petitioners. They are residing under one roof happily and peacefully.

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 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.383 dated 24.12.2019 under Sections 323/34/354/406/498-A/506 IPC, 1860, registered at Police Station Parao, Ambala Cantt., District Ambala 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.

08.04.2022
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(VIVEK PURI)
JUDGE

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