

CRM-M-2366-2021

Date of decision: 02.08.2022

KANTA AND ANR.

..PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.D.Bishnoi, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. S.K. Bishnoi, 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.585 dated 23.12.2020 under Sections 323/34/354-A/354-B/452 IPC, 1860, registered at Police Station Meham, District Rohtak, Haryana and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that the petitioners along with Sunil-accused committed trespass in the house of the complainant, inflicted injuries and outraged her modesty.

On 18.01.2021, 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 18.01.2021, learned Additional Civil

Judge (Sr. Divn.), Meham has recorded the statements of the parties and
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submitted the report, the relevant para whereof reads as under:-

“In view of the statements suffered by the parties before the court, it appears that they have amicably reached at compromise, out of their free will and consent, without being under any external fear or pressure. The compromise is also reduced in writing. Both sided parties are identified by their counsel. The other necessary information, as directed to be submitted vide order dated 18.1.2021, is as follows:-

i) Number of persons arrayed as accused in FIR-2 accused;

ii) Whether the accused is proclaimed offender- No.

iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence- Yes.

Hence, the compromise between them appears to be voluntary. A separate report regarding the compromise and the willingness of the parties is being sent to Hon’ble High Court through proper channel.”

Learned counsel for the petitioners contend that during the course of investigation, Sunil-accused was found to be innocent and the offence under Sections 354-A/354-B have been deleted. The dispute has been amicably settled between the parties in terms of compromise dated 09.01.2021 (Annexure P-2). The parties are residents of the same village and the amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel for respondent No.2 states that he 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 dispute of the co-villagers 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. 585 dated 23.12.2020 under Sections 323/34/354-A/354-B/452 IPC, 1860, registered at Police Station Meham, District Rohtak, 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.

02.08.2022
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(VIVEK PURI)
JUDGE

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