

AMIT KUMAR AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

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

Mr. Gurbir Singh Dhillon, AAG, Haryana.

Mr. Manpreet Singh, Advocate for
Mr. Sonu Giri, 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. 48 dated 01.06.2020 under Sections 323/34/406/498-A/506 IPC, 1860, registered at Women Police Station, Manesar, District Gurugram 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 Judicial Magistrate 1st Class, Gurugram has recorded the statements of the parties and

submitted the report, the relevant para whereof reads as under:-

“1. As regards the report regarding number of accused persons is concerned, it is submitted that as per the record of the case file, there are three accused persons in the present case namely Amit Kumar, Kanwal Singh and Pavitra. This has been supported by the affidavit and statement on oath of the complainant Mamta as well as the statement of I.O.

2. With regard to the point as to whether any accused is proclaimed offender, it is submitted that the facts and circumstances of the present case along with the statement on oath of the accused and duly sworn affidavit filed by the accused as well as the statement of the concerned Investigating Officer recorded before this court, signify that the accused have not been declared proclaimed offender.

3. This court is convinced that the compromise between the complainant Mamta and the accused Amit Kumar, Kanwal Singh and Pavitra is genuine, voluntary and valid, as it is not the result of any undue influence or coercion. The complainant and the accused have maintained uniformity in regard to the validity of compromise. The respective affidavits of the complainant and accused (Ex.C1, Ex.C3, Ex.C5 and Ex.C7) on record further give momentum to the validity and authenticity of the compromise.

4. With respect to the point whether the accused persons are involved in any other case, it is submitted that as per the statement of accused, their affidavits as well as the statement of I.O., the accused persons are not involved in any other case.

5. The statement of investigating officer was recorded in which it was stated that there is only one victim/complainant namely Mamta.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties. 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, wherein the statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs.16,00,000/- to respondent No.2 on account of permanent alimony and a

sum of Rs. 8,00,000/- has already been paid to her. Respondent No.2 has withdrawn the petition under Section 125 Cr.P.C and no other case is pending between the parties.

Learned counsel appearing on behalf of 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 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. 48 dated 01.06.2020 under Sections 323/34/406/498-A/506 IPC, 1860, registered at Women Police Station, Manesar, 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.

26.05.2022
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(VIVEK PURI)
JUDGE

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