

285 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-9385-2022 (O&M)
Date of Decision: 25.07.2022**

HUNNY MEHNDIRETTA AND OTHERS ... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Pardeep Panwar, Advocate for the petitioners.

 Mr. Vikas Bhardwaj, AAG Haryana.

 Mr. S.S.Nain, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 485 dated 26.06.2021, under Sections 323, 354, 376, 406, 498-A, 506 and 511 of IPC, registered at Police Station City Yamuna Nagar, District Yamuna Nagar, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 07.03.2022, the parties were directed to appear before the Trial Court 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 07.03.2022 , learned Chief Judicial Magistrate, Yamuna Nagar at Jagadhri has recorded the statements

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

“In these circumstances, it is concluded that the statements of the complainant and accused persons are bona fide and are not result of any threat, duress or coercion in any manner and hence compromise effected between complainant and accused is voluntarily without any threat or coercion and is valid one.

In pursuance of the notice, ASI Sushma, Investigating Officer of this case appeared and suffered a statement on 04.04.2022 that the present case was registered on the complaint of complainant Reena Rani daughter of Raj Kumar against (1) Hunny Mehndiretta son of Rajender Kumar, (2) Rajender Kumar son of Daddi Lal, (3) Usha Devi wife of Rajender Kumar son of Daddi Lal, (4) Manni son of Rajender Kumar, and (5) Kamla Pahula daughter of Jai Gopal. She further stated that during investigation accused Manni and Kamla Pahula were found innocent and Sections 376, 511, 354 were deleted from the said FIR. She further stated that the accused persons have not been declared Proclaimed Person by any Court of Law. She further stated that an another FIR bearing No.877 dated 29.10.2021, under Section 3 SC&ST Act and 506 of IPC, PS City Yamuna Nagar, was registered against accused Rajender Kumar son of Daddi Lal, but the said FIR has been cancelled on 01.02.2022. She further stated that in this case there is only one victim/complainant and challan of present case is yet to be filed. Statement of IO is Annexure-IV (Annexed herewith in original).”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled in terms of the compromise, Annexure P-2. Petitioner Nos. 4 and 5 were found to be innocent during the course of investigation. The offence under Section 376, 511 and 354 IPC have been deleted. The 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 at the stage of first motion have

been recorded. Petitioner No.1 shall pay a sum of Rs. 18 Lakhs on account of permanent alimony to respondent No.2 as per the terms of the compromise. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

After hearing 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 (Annexure P-2). The compromise is without any pressure and is 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***.

Accordingly, the present petition is allowed and FIR No. 485 dated 26.06.2021, under Sections 323, 354, 376, 406, 498-A, 506 and 511 of IPC, registered at Police Station City Yamuna Nagar, District Yamuna Nagar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

25.07.2022

Janki

(VIVEK PURI)
JUDGE

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