

CRM-M-8551-2022

Date of decision: 26.05.2022

BHUPENDER SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vijay Sangwan, Advocate
for the petitioners.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. Ajay Kumar, Advocate for respondent No.2/complainant.

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.32 dated 30.03.2021 under Sections 323/34/498-A/506 IPC, 1860, registered at Women Police Station Charkhi Dadri, District Charkhi Dadri and all the consequential proceedings arising therefrom, on the basis of compromise.

On 28.02.2022, 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 28.02.2022, learned Judicial Magistrate 1st Class, Charkhi Dadri has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

"It is submitted that order received from the Hon'ble High Court Punjab and Haryana in CRM-M-8551-2022 with

the direction for recording the statements of parties as well as of Investigating Officer. The complainant Poonam, accused Bhupender and Suman are present in the Court. They suffered their joint statement before the Court that the matter has been compromised between the parties. The original joint statement of complainant Poonam, accused Bhupender, Suman and original statement of Investigating Officer HC Bindu 534/DDR are hereby attached with the report. It is hereby reported that the compromise between the parties is genuine, only two accused Bhupender and Suman are the accused in the case and they are not proclaimed offender in the case. Two other named accused Hoshiyar Singh and Amit were found innocent in the case during police investigation, therefore, challan against them was not filed. They are also not involved in any other FIR. The case is at the stage of consideration on charge. The victim/complainant is only Poonam in the case.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise, deed dated 16.08.2021 (Annexure P-2). The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 04.04.2022 passed by the Court of learned Additional Sessions Judge, Family Court, Bhiwani. A sum of Rs. 7,00,000/- has been paid on account of permanent alimony to respondent No.2. No other case is pending between the parties.

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 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. 32 dated 30.03.2021 under Sections 323/34/498-A/506 IPC, 1860, registered at Women Police Station Charkhi Dadri, District Charkhi Dadri 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