

VIKAS

..PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sarvesh Malik, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Chirag Suri, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 175 dated 25.09.2019 under Sections 323/34/406/498-A/506 IPC, 1860, registered at Women Police Station, Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise.

On 08.03.2022, 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 08.03.2022, learned Judicial Magistrate 1st Class, Faridabad has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“The report on following specific questions, as desired is:-

1. Number of persons arrayed as accused in FIR:

As per the case file, apart from one accused Vikas there are no other accused in the present FIR.

2. Whether any accused is proclaimed offender:

As per the statement of IO, accused has never been declared as absconding/proclaimed offender in this case.

3. Whether the compromise is genuine, voluntarily and without any coercion or undue influence:

In the view of the aforesaid facts and statement of complainant qua compromise, I am of the considered view that the compromise effected between the parties, appears to be without any threat or pressure from either side and is made out of free volition of the parties.

4. Whether the accused persons are involved in any other case or not:

As per the statement of IO, apart from this case there is no any other case is pending against accused.

5. Number of persons who arrayed as Victims/complainants in the present FIR:

As per the case file, there is one victim/complainant in the present FIR.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 22.02.2022 (Annexure P-2). The petitioner and respondent No.2 are happily residing together in the matrimonial house. 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

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. 175 dated 25.09.2019 under Sections 323/34/406/498-A/506 IPC, 1860, registered at Women Police Station, Faridabad and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

08.07.2022
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(VIVEK PURI)
JUDGE

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