

SHAKTI GARG AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Dhruv Gupta, Advocate for the petitioners.

Mr. Rahul Mohan, DAG, Haryana.

Mr. Prince Pushpinder, Advocate for
Mr. Poorva Gupta, 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.55 dated 16.04.2017 under Sections 323/406/498-A/506 IPC, registered at Women Police Station, Ambala, District Ambala and all the consequential proceedings arising therefrom, on the basis of compromise.

On 23.03.2022, 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 23.03.2022, learned Additional Chief Judicial Magistrate, Ambala has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“This Court having conferred with the parties and going through the statements of the parties, is of the

considered view that the matter has been compromised between the accused-petitioners Shakti Garg and Shashi Bala and respondents No.2/complainant Shama Garg with their free will & consent and without any pressure or coercion on either side. The compromise effected between the parties is genuine and valid.

Initially four persons i.e. Shakti Garg, Shashi Bala, Suresh Garg and Sameer Garg were arrayed as accused in the present FIR. During the investigation, accused Suresh Garg and Sameer Garg were found innocent and on conclusion of the investigation, final report u/s 173(2) Cr.P.C against accused Shakti Garg and Shashi Bala was filed.

None for the accused is proclaimed offender.

The accused persons are not involved in any other case.

There is no other complainant or affected/aggrieved person except the complainant/respondent No.2 in the present FIR.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 14.02.2022 (Annexure P-2). Initially, the FIR was registered against the petitioners along with Suresh Garg, the father-in-law and Sameer Garg, the brother-in-law of the complainant. Suresh Garg has passed away and Sameer Garg has been found to be innocent during the course of investigation. The marriage of petitioner No.1 with respondent No.2 was solemnized on 04.06.2014 and a female child has been born from the wedlock. Respondent No.2 along with minor daughter is now happily residing in the matrimonial house with the petitioners.

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.55 dated 16.04.2017 under Sections 323/406/498-A/506 IPC, registered at Women Police Station, Ambala, District Ambala 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.

24.08.2022

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(VIVEK PURI)
JUDGE

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