

CRM-M-11598-2022

Date of decision: 15.09.2022

SACHIN DAGAR

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Sumit Kumar, Advocate for
Mr. Kartik, 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.520 dated 08.07.2021 under Sections 323/354-A/354-B/34/498-A/506 IPC, 1860, registered at Police Station Camp Palwal, District Palwal and all the consequential proceedings arising therefrom, on the basis of compromise.

On 17.03.2022, 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 17.03.2022, learned Additional Chief Judicial Magistrate, Palwal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

***“1.Number of persons arrayed at accused in the FIR-
Initially four persons namely Sachin, Ranbir, Saroj and
Nitin were arrayed as accused in the FIR. However, later***

on Ranbir, Saroj and Nitin were not found involved in the incident and therefore, report under Section 173 of Code of Criminal Procedure was filed only against accused Sachin.

2. Whether any accused is proclaimed offender-

No accused in this case is proclaimed offender.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence-

From the statements of parties it seems that the compromise is genuine, voluntary and without any coercion or undue influence.

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

From the statement of Investigation Officer, it is clear that accused Sachin is not involved in any other case.

5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainant are there in the FIR-

As per statement of Investigating Officer, there is only one victim or complainant i.e. Rashmi in the instant case.”

Learned counsel for the petitioner contends the marriage of the petitioner was solemnized with respondent No.2 on 17.04.2020 but no child has been born from the wedlock. Initially, the FIR was registered against the petitioner, his parents and brother. During the course of investigation, the other relatives are found to be innocent and challan has been presented only against the petitioner. Even, the offence under Section 354-A/354-B read with Section 34 IPC have been deleted. The matrimonial dispute has been amicably settled between the parties in terms of memorandum of understanding dated 25.02.2022 (Annexure P-2). The marriage of the petitioner 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 08.09.2022 passed in Principal Judge, Family Court, Faridabad. A sum of Rs.9,00,000/- has been paid on account of permanent alimony to respondent No.2. Respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. No other case is pending between the parties.

Learned counsel for respondent No.2 states that she 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.520 dated 08.07.2021 under Sections 323/354-A/354-B/34/498-A/506 IPC, 1860, registered at Police Station Camp Palwal, District Palwal 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.

15.09.2022
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(VIVEK PURI)
JUDGE

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