

NISHAN SINGH

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Sukhdeep Singh, Advocate
for respondent No.2/complainant.

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.98 dated 20.07.2019 under Sections 323/406/498-A/506 IPC, registered at Women Police Station, District Karnal and all the consequential proceedings arising therefrom, on the basis of compromise.

On 19.04.2022, 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 19.04.2022, learned Judicial Magistrate 1st Class, Karnal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

Answer- Statement of ASI Meenu Rani being investigating officer was recorded and she submitted that FIR was registered against four persons but charge-sheet was filed only against Nishan Singh.

(ii) Whether any accused is proclaimed offender?

Answer- As per statement of ASI Meenu Rani, no one has been declared proclaimed offender in the present FIR.

(iii) Whether the compromise is genuine voluntarily and without any coercion and undue influence.

Court opinion-Yes

(iv) Whether the accused persons are involved in any other FIR or not?

Court opinion- As per the statement of ASI Meenu Rani, in his police station i.e. Women, Karnal no other FIR is pending against any accused.

(v) The Trial Court is also directed to report the statement of investigating officer as how many victims/complainant are there in the FIR.

Answer- Statement of IO namely ASI Meenu Rani was recorded and she submitted that there are (sic. is) only one victim i.e. complainant namely Gurpreet Kaur. ”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 28.12.2021 (Annexure P-2). The petitioner and respondent No.2 along with minor child is happily residing together in the matrimonial house.

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.

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.98 dated 20.07.2019 under Sections 323/406/498-A/506 IPC, registered at Women Police Station, District Karnal 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.

09.08.2022
renubala

(VIVEK PURI)
JUDGE

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