

CRM-M-12392-2022

Date of decision: 12.09.2022

MANJIT BHANGU AND ORS.

..PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms Aarti, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Ishan Khetarpal, Advocate
for the 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.216 dated 05.12.2018 under Sections 498-A/406/34 IPC and (Sections 307/328 deleted later on), registered at Police Station Siwan, District Kaithal and all the consequential proceedings arising therefrom, on the basis of compromise.

On 20.05.2022, 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 20.05.2022, learned Judicial Magistrate 1st Class, Kaithal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“It is further humbly submitted that this Court is of the

view that parties have voluntarily entered into compromise with their free will and without any undue influence, threat, fear or coercion. This court is also of the view that compromise has been entered genuinely and it has found to be valid. Report was sought from the Investigating Officer as to the fact of:-

- i). Number of persons arraigned as accused in FIR.*
- ii). Whether any accused is proclaimed offender.*
- iii). Whether the accused persons are involved in any other case or not.*

On the basis of the report of Investigating Officer and record available with this Court, the following report is being sent as under:-

(A) The present FIR was registered on the complaint moved to the police by complainant Navdeep Kaur against four persons namely Manjit Singh son of Kartar Singh, Daljeet Kaur wife of Baljeet Singh, Rajkaur wife of Kartar Singh and Baljeet Singh son of Kartar Singh. Challan against all the four accused namely Manjit Singh son of Kartar Singh, Daljeet Kaur wife of Baljeet Singh, Rajkaur wife of Kartar Singh and Baljeet Singh son of Kartar Singh has been filed before the court on dated 05.03.2019.

(B) No accused has been declared proclaimed offender.

(C) There is no other criminal case registered against the accused persons except present case bearing FIR No.216 dated 05.12.2018.

(D) As per statement of Additional Station House Officer Jaswant Singh recorded on dated 03.09.2022, there is only one complainant/victim in present case namely Navdeep Kaur daughter of Ranjeet Singh.”

Learned counsel for the petitioners contend the marriage of petitioner No.1 was solemnized with respondent No.2 on 05.11.2016 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The offence under Sections 307/328 IPC have been deleted during the course of investigation. Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual

been recorded. A sum of Rs.15,00,000/- shall be paid on account of permanent alimony to respondent No.2. A sum of Rs.7,50,000/- has already been paid and the balance amount of Rs.7,50,000/- is to be paid at the time of recording the statements of the parties at the stage of second motion in the proceedings under Section 13-B of Hindu Marriage Act. 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. 216 dated 05.12.2018 under Sections 498-A/406/34 IPC and

(Sections 307/328 deleted later on), registered at Police Station Siwan, District Kaithal 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.

12.09.2022
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(VIVEK PURI)
JUDGE

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