

MEENAKSHI SHARMA

..PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishal Sharma Haritwal, Advocate
for the petitioner/complainant.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Gautam Kaile, Advocate for
Mr. Ashwani Kumar Antil, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

Petitioner/complainant has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 326 dated 18.08.2021 under Sections 323/328/506/509 IPC, 1860, registered at Police Station Rajendra Park, District Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise.

On 06.05.2022, 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 06.05.2022, learned Civil Judge (Jr. Division)-cum Judicial Magistrate 1st Class, Gurugram has recorded the statements of the parties and submitted the report, the relevant para whereof reads

as under:-

“In furtherance of the said directions statements of parties viz of complainant Meenakshi Sharma and of accused Brijjal Sharma duly identified, were recorded. It has been verified that both the complainant and accused have agreed to compromise voluntarily without any pressure, threat or coercion and the compromise entered into between the parties is genuine. Further, statement of I.O. SI Suman is also recorded to the effect that there is only one accused in present case i.e. Brijjal Sharma and only one victim i.e. Meenakshi Sharma. Further, the challan in present case has been filed under Sections 323/328/506/509/498-A of IPC. ”

Learned counsel for the petitioner/complainant contends that the matrimonial dispute has been amicably settled between the parties. The marriage of the petitioner/complainant was solemnized with respondent No.2 as back as in the year 2003 and two children were born from the wedlock. The petitioner who is the complainant in the case has sworn an affidavit Annexure P-2 which depicts that the compromise has been effected and she has no objection if FIR is quashed. Furthermore, the petitioner and respondent No.2 are happily residing together in the matrimonial house along with the children. 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

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. 326 dated 18.08.2021 under Sections 323/328/506/509 IPC, 1860, registered at Police Station Rajendra Park, District Gurugram** 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