

CRM-M-15607-2021

Date of decision: 12.07.2022

PARVEEN AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S.Sandhu, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Dinesh Maurya, Advocate for the complainant.

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.97 dated 18.10.2020 under Sections 323/34/354/377/406/498-A/506 IPC, 1860, registered at Women Police Station, District Panipat and all the consequential proceedings arising therefrom, on the basis of compromise.

On 22.04.2021, 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 22.04.2021, learned Judicial Magistrate 1st Class, Panipat has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Upon preliminary inquiry, the parties stated that the matter had been amicably settled between them voluntarily and without any coercion or undue influence.

Thereupon, their statements qua the compromise were recorded separately. Same has been read over and explained to them. The same were being attached herewith.

It is further submitted that I am satisfied that the compromise arrived at between complainant on the one hand and accused on the other hand is voluntary and genuine.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). 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 consent, wherein the statements of the parties at the stage of first motion have been recorded. A sum of Rs. 12,00,000/- shall be paid to respondent No.2 on account of permanent alimony as per the terms of settlement. The custody of minor child shall remain with respondent No.2. The parties have also settled to withdraw the other pending cases.

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 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. 97 dated 18.10.2020 under Sections 323/34/354/377/406/498-A/506 IPC, 1860, registered at Women Police Station, District Panipat 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.

12.07.2022
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(VIVEK PURI)
JUDGE

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