

AMIT KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jangjit Singh Dahiya, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

Mr. Santosh Kumar Yadav, Advocate for
Mr. P.S. Jammu, Advocate for respondent Nos.2 and 3.

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.17 dated 05.11.2015 under Sections 354-C/506 IPC, 66-E/67-A of Information and Technology Act, 2000, registered at Police Station Women Cell, Sirsa and all the consequential proceedings arising therefrom, on the basis of compromise.

On 20.09.2019, 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 20.09.2019, learned Chief Judicial Magistrate, Sirsa has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“I have the honour to submit that the compliance of order dated 20.09.2019 passed by the Hon’ble Mr. Justice Fateh Deep Singh, Judge, Punjab & Haryana High Court, Chandigarh in CRM-M-19691(O&M) of 2019, both the parties appeared before the Court of undersigned on 03.10.2019 and got their statements recorded to the effect that the matter has been settled between them and the complainant Smt. Sonia and accused Amit Kumar have got divorce under Section 13-B of Hindu Marriage Act. In the opinion of undersigned, the matter in question has been settled voluntary without any threat, coercion or undue influence. It is also submitted that the no accused/petitioner has not been declared as proclaimed offender in this case.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.3 on 30.01.2008 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 01.02.2019 (Annexure P-5). At the earlier instance, the case bearing FIR No.152 under Sections 498-A/406/323 and 34 IPC was registered against the petitioner at P.S. Sirsa City, District Sirsa and the same has been cancelled. The marriage of the petitioner and respondent No.3 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 25.09.2019 passed by the Family Court, Sirsa. A sum of Rs.10,00,000/- has been paid on account of permanent alimony to respondent No.3 and the custody of minor child shall also remain with her. No other case is pending between the parties.

Learned counsel for respondent Nos.2 and 3 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.17 dated 05.11.2015 under Sections 354-C/506 IPC, 66-E/67-A of Information and Technology Act, 2000, registered at Police Station Women Cell, Sirsa 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.

24.08.2022
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(VIVEK PURI)
JUDGE

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