

NAVEEN AND ORS.

..PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ketan Antil, Advocate for the petitioners.

Mr. Rahul Mohan, DAG, Haryana.

Mr. Kushagra Beniwal, Advocate for
Mr. J.S.Thakur, Advocate for 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.18 dated 12.03.2015 under Sections 323/498-A/34 IPC, registered at Police Station Women, District Sonapat and all the consequential proceedings arising therefrom, on the basis of compromise.

On 26.04.2022, 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 26.04.2022, learned Additional Chief Judicial Magistrate, Sonapat has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“As per statement of complainant Reena, she has compromised the matter with the accused namely

Naveen Kumar, Ramdhari and Murti Devi without any pressure from any quarter. She has no objection if the FIR No.18 dated 12.03.2015 under Sections 323, 34 and 498-A IPC, Women Police Station, Sonapat, is quashed against the above accused persons. In the statement dated 24.05.2022 the complainant has also been identified by Sh. Hariom Sharma, Advocate.

*In the similar manner the accused Naveen Kumar, Ramdhari and Murti Devi identified by their counsel Sh. Amrish Kumar, suffered a statement on 24.05.2022, that they have compromised the matter with the complainant Reena without any pressure from any quarter and FIR No.18 dated 12.03.2015 under Sections 323, 34 and 498-A of IPC, Women Police Station, Sonapat, may be quashed. The statement of accused Naveen Kumar, Ramdhari and Murti Devi, is annexed herewith as **Annexure-II to Annexure-IV** (original).*

*As per the statement suffered by complainant as well as accused the compromise it stated to be **voluntarily and without any threat of pressure**.*

*ii) In the abovesaid FIR No.18 dated 12.03.2015 under Sections 323, 34 and 498-A of IPC, Women Police Station, Sonapat, I.O of the present case appeared and suffered a statement, which is annexed herewith as **Annexure-V** (original). He has stated that the present FIR has been registered against three persons namely Naveen Kumar, Ramdhari and Murti Devi and no other accused in the present FIR. There is no proclaimed offender in the present FIR and Reena is the only victim/complainant in the present FIR.”*

Learned counsel for the petitioners contend that at the earlier instance, the FIR was registered against the petitioners and five other family members. However, other family members were found innocent and the challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed/settlement dated 10.04.2022 (Annexure P-2). The marriage of petitioner No.1 was solemnized with respondent No.2 on 29.11.2013 and a male child has been born from the wedlock. Petitioner No.1 and respondent No.2 have instituted a petition

consent wherein, the statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs.9,00,000/- on account of permanent alimony to respondent No.2 and the custody of the minor child shall also remain with her. Petitioner No.1 has withdrawn the petition under Section 13 of Hindu Marriage Act and respondent No.2 has also undertaken to withdraw the petition under Section 127 Cr.P.C. No other case is pending between the parties.

Learned counsel appearing on behalf of 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.18 dated 12.03.2015 under Sections 323/498-A/34 IPC, registered at Police Station Women, District Sonapat 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.

24.08.2022
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(VIVEK PURI)
JUDGE

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