

CRM-M-17861-2022(O&M)
Date of decision: 16.11.2022

RAKESH KUMAR AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. IS Saggu, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Amit Choudhary, 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.64 dated 29.08.2021 under Sections 34/406/498-A/506 IPC, registered at Police Station Women, Fatehabad and all the consequential proceedings arising therefrom, on the basis of compromise.

On 03.08.2022, 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 03.08.2022, learned Judicial Magistrate 1st Class, Fatehabad has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“In view of the statements made by the parties and statement of Investigating Officer ASI Shailja, No.148

FTB., P.S. Women, Fatehabad, this Court is of the view that parties have got their statements recorded voluntarily without any undue influence or coercion. As per the statements of parties, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Further, there are four accused namely Rakesh Kumar, Rashmi, Teenu and Kamlesh in the present case bearing FIR No.64 dated 29.08.2021 under Sections 406, 498A, 506 and 34 of IPC, P.S. Women, Fatehabad, and moreover, the accused have never been declared as proclaimed offenders/persons and no other case has ever been registered against the accused persons.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 09.12.2012 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms. 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. Petitioner No.1 shall pay a sum of Rs.10,00,000/- on account of permanent alimony to respondent No.2. A sum of Rs.5,00,000/- has already been paid and the balance amount of Rs.5,00,000/- is to be paid at the time of recording the statements of the parties at the stage of second motion. Respondent No.2 has received all her articles of *Istri Dhan*. 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.64 dated 29.08.2021 under Sections 34/406/498-A/506 IPC, registered at Police Station Women, Fatehabad 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.

16.11.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No