

CRM-M-16710-2019

Date of decision: 09.11.2022

AKHILESH

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.P.Chahar, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Kulwinder Bhargav, Advocate for

Mr. Ajay Sehrawat, Advocate for respondent No.2.

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.04 dated 03.01.2018 under Sections 323/406/498-A/506 IPC, registered at Police Station Dadri City, District Charkhi Dadri and all the consequential proceedings arising therefrom, on the basis of compromise.

On 14.07.2022, 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 14.07.2022, learned Judicial Magistrate 1st Class, Charkhi Dadri has recorded the statements of the parties and submitted the report, which reads as under:-

“(1) Whether the compromise is genuine, voluntary and without any coercion or undue influence:

*On 28.07.2022, both the parties (complainant Neeti Dagar and Accused Akhilesh) appeared and their statements were recorded separately. Complainant **Neeti Dagar** suffered a statement that the matter has been compromised mutually with the accused, out of her own will, without any pressure; that as per the said compromise, she does not want any action against Akhilesh; that she has no objection if the present case FIR is quashed against accused Akhilesh; that no other person except Akhilesh, is accused in the present case. The accused **Akhilesh** also suffered a statement to this effect that mutual settlement has been arrived at between complainant & him; without any pressure; that complainant Neeti Dagar does not want any action against him; that the present case FIR be quashed. Both the parties were identified by their respective learned counsels.*

Considering the statements of complainant Neeti Dagar and accused Akhilesh, it comes up that the compromise is genuine, voluntary and without any coercion or undue influence.

*(2) **Whether all the accused are party to the compromise.***

As per final report of Investigating Officer, only Akhilesh son of Shri Ajit Singh has been arraigned as accused, and it is humbly submitted that he is party to the compromise with the complainant.

*(3) **Whether any of the have ever been declared Proclaimed Offender(s) and if is there any other criminal case is pending against them.***

As per statement of ASI Rakesh Kumar, No.58/DDR (Incharge, Police Post Bus Stand, Charkhi Dadri), Akhilesh son of Shri Ajit Singh resident of Arya Nagar, Jhajjar, District Jhajjar is the only accused in the present case, and the said accused has not been declared as Proclaimed Offender. He further submitted that as per their record, no other criminal case is registered/pending against accused Akhilesh, except the present one.”

Learned counsel for the petitioner contends that the FIR has been registered against the petitioner and his family members. However, the other family members were found innocent during the course of investigation and the challan has been presented only against the petitioner. The marriage of the

petitioner was solemnized with respondent No.2 on 05.02.2011 and a son has been born from the wedlock on 02.05.2012. The matrimonial dispute has been amicably settled between the parties in terms of agreement deed dated 22.02.2019 (Annexure P-2). The marriage of the petitioner and respondent No.2 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 27.08.2019 passed by the Court of learned Additional District Judge, Charkhi Dadri. The petitioner has paid a sum of Rs.4,50,000/- on account of permanent alimony to respondent No.2. The custody of minor child shall remain with respondent No.2. 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.04 dated 03.01.2018 under Sections 323/406/498-A/506 IPC, registered at Police Station Dadri City, District Charkhi Dadri 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.

09.11.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No