

Vipin Maini and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Yogesh Goel, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana

Mr. Sahil Parmar, Advocate
for respondent No.2

VIVEK PURI, J. (ORAL)

The 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.1273 dated 04.10.2015 under Sections 406/498-A/420/506/34 IPC, registered at Police Station City Gurgaon, District Gurgaon and all the consequential proceedings arising therefrom, on the basis of compromise.

On 02.05.2019, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to 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 02.05.2019, learned Judicial Magistrate Ist Class, Gurugram has recorded the statements of the parties

and submitted its report dated 28.05.2019, the relevant para whereof reads as under:-

“I have the honour to submit that vide order dated 09.04.2019 passed by Hon'ble Punjab & Haryana High Court in CRM-M-No.19640 of 2019 the trial court was directed to record the statement of the parties and to submit the report regarding the genuineness of compromise. The report is sought with regard to the validity or otherwise of the compromise, after recording the statements of all the concerned parties before the next date or hearing.

In this regard, it is humbly submitted that on 27.05.2019, the complainant Minakshi and accused Vipin Maini, Krishna Kumari and Promila Oberoi have appeared in compliance with the order dated 02.05.2019 passed by Hon'ble Punjab & Haryana High Court. Accordingly the statements of both the parties were recorded (copy enclosed). Both the parties stated that they have compromised the matter voluntarily without any fear, coercion and undue influence. The parties have further stated that they have no objection in case FIR No.1273 dated 04.10.2015, under sections 406, 498A, 420, 506, 34 of Indian Penal Code, Police Station, City Gurugram is quashed.

In view of the statement of the both parties, it appears that the parties have compromised the matter in dispute voluntarily and without any fear, coercion or undue influence.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of the compromise dated 02.04.2019, Annexure P-2. The marriage of petitioner No.1 with respondent No.2 has been dissolved with a decree of divorce by mutual consent in terms of the judgment/decreed dated 04.02.2020 passed by the Family Court, Dwarka, New Delhi. The marriage was solemnized way back in the year 2003 and two children were born from the wedlock. Both the children are in the care and custody of petitioner No.1. All the amount of permanent alimony as per the settlement/compromise dated 02.04.2019 Annexure P-2 has been paid to respondent No.2. However, an amount of Rs.2 lac was to be paid at the time of quashing of the petition. The Bank

draft bearing No.123373 drawn on Canara Bank in the name of Respondent No.2 dated 10.02.2022 has been handed over to the learned counsel for respondent No.2 today in Court. The copy thereof has been retained. Learned counsel for respondent No.2 has stated 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. 1273 dated 04.10.2015 under Sections 406/498-A/420/506/34 IPC, registered at Police Station City Gurgaon, District

Gurgaon, 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.

06.04.2022
pry

(VIVEK PURI)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No