

266 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25659-2021
Date of Decision: 03.08.2022

DEEPAK RAI AND OTHERS ... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Shivrain, Advocate for
Mr. Deepak Negi, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Anil Shukla, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 321 dated 21.05.2016 registered under Sections 498-A, 406, 506 and 34 of Indian Penal Code at Police Station Saran, Faridabad, Haryana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 15.03.2022, the parties were directed to appear before the Trial Court 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 15.03.2022, learned Judicial Magistrate 1st Class, Faridabad has recorded the statements of the parties

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

“(i) As per the order of the Hon'ble High Court dated dated 15.03.2022 in the case titled "DEEPAK RAI AND OTHERS Vs. STATE OF HARYANA AND ANOTHER" in CRM-M-25659-2021, the Trial Court/11laqa Magistrate was directed to record the statements of the parties on 06.04.2022. The Complainant namely Shikha Rai and the Accused Persons namely Deepak Rai, Sharda Rai and Sudesh Chander Rai have appeared before the Court being the Trial Court today on 06.04.2022 for the purpose of recording of their statements.

(ii) The Complainant namely Shikha Rai and the Accused Persons namely Deepak Rai, Sharda Rai and Sudesh Chander Rai have clearly stated that they have entered into the compromise voluntarily and without any pressure. The Accused Persons and the Complainant were duly identified by their counsels i.e. Sh. Ashok Sharma, Advocate for the accused persons and Sh. Rohit Chhabra, Advocate for the complainant. Their Power of Attornies are also on record. The Aadhar cards of the accused persons along-with the complainant have also been placed on record.

(iii) In the present case, as per the statement of the concerned Investigation Officer, SI Ram Kishan, at present posted at, Police Line, Faridabad, as per the FIR and the investigation, there are total Three accused persons named in the FIR namely Deepak Rai, Sharda Rai and Sudesh Chander Rai in the FIR no. 321 dated 21.05.2016 under Sections 498A, 406 & 506 read with 34 IPC, P.S. Saran, District Faridabad.

(iv) As per the report of the concerned Investigation Officer, SI Ram Kishan, at present posted at, Police Line, Faridabad, none has been declared as Proclaimed Offender(s) in the present FIR no. 321 dated 21.05.2016 under Sections 498A, 406 & 506 read with 34 IPC, P.S. Saran, District Faridabad.

It was further stated by the Investigating Officer that the accused persons are not involved in any other criminal case.

(v) As per the report of the concerned Investigation Officer, SI Ram Kishan, at present posted at, Police Line, Faridabad, there is only one complainant/victim namely Shikha Rai daughter of Sh. Lalit Kishore in the FIR no. 321 dated 21.05.2016 under Sections 498A, 406 & 506 read

with 34 IPC, P.S. Saran, District Faridabad.

(vi) This Court is of the considered view that the compromise appears to be genuine and has been reached voluntarily and without any coercion or undue influence between the Complainant namely Shikha Rai and the Accused Persons namely Deepak Rai, Sharda Rai and Sudesh Chander Rai and they have made their statements voluntarily and without any threat, inducement, coercion or undue influence.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of judgment and decree dated 05.10.2021 passed by the Family Court, Faridabad. A minor daughter born from the wedlock shall remain in the custody of respondent No.2. A sum of Rs. 15,52,000/- has been paid to respondent No.2 on account of permanent alimony. Respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. and no other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

After hearing 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 (Annexure P-2).

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*.

Accordingly, the present petition is allowed and FIR No. 321 dated 21.05.2016 registered under Sections 498-A, 406, 506 and 34 of Indian Penal Code at Police Station Saran, Faridabad, Haryana and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

03.08.2022

Janki

(VIVEK PURI)
JUDGE

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