

CRM-M-23037-2022

Date of decision: 27.09.2022

ARVIND KUMAR AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishal Jassal, Advocate for
Mr. Vivek Suri, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Vishal Sharda, Advocate for
Mr. Kunal Gandhi, 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.176 dated 30.04.2021 under Sections 323/406/498-A/506 IPC, registered at Police Station Thanesar Sadar, District Kurukshetra and all the consequential proceedings arising therefrom, on the basis of compromise.

On 25.05.2022, 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 25.05.2022, learned Additional Chief Judicial Magistrate, Kurukshetra has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

- “1) *Number of persons arraigned as accused in FIR.*
There are three accused, who have been arrayed in FIR.
- 2) *Whether any accused is proclaimed offender.*
No
- 3) *Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
The said compromise/settlement is genuine and is not result of any pressure or coercion in any manner.
- 4) *Whether the accused persons are involved in any other case or not?*
As per statement of Investigating Officer, they are not involved in any other case.
- 5) *The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*
Statement of Investigating Officer was recorded, as per which, there is only one complainant/victim in the present case.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 08.12.2019 and a female child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 19.05.2022 (Annexure P-2). Petitioner No.1 and respondent No.2 have resumed co-habitation. Respondent No.2 along with minor daughter is happily residing in the matrimonial house with petitioner No.1 and his family.

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

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.176 dated 30.04.2021 under Sections 323/406/498-A/506 IPC, registered at Police Station Thanesar Sadar, District Kurukshetra 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.

27.09.2022
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(VIVEK PURI)
JUDGE

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