

CRM-M-24508-2022

Date of decision: 12.10.2022

CHINTU NANDA @ CHIRAG

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rishi Nijhawan, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Paras Jagga, 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.147 dated 05.11.2020 under Sections 323/354/406/452/498-A/506 IPC, registered at Women Police Station, Kaithal, District Kaithal and all the consequential proceedings arising therefrom, on the basis of compromise.

On 31.05.2022, 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 31.05.2022, learned Judicial Magistrate 1st Class, Kaithal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“It is further humbly submitted that this Court is of the view that parties have voluntarily entered into

compromise with their free will and without any undue influence, threat, fear or coercion. This court is also of the view that compromise has been entered genuinely without any misrepresentation and fraud and it has found to be valid. Report was sought from the Investigating Officer/Station House Officer as to the fact of:-

- 1. Number of persons arraigned as accused in the FIR.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the accused persons are involved in any other case or not?*

On the basis of the report of Station House Officer concerned, the following report is being sent as under:-

(A) The present FIR was registered on the complaint moved to the police by complainant Priti daughter of Raj Kumar against Chintu @ Chirag son of Ashok Kumar, Hetram alias Ashok Kumar son of Pyare Lal, Krishna Rani wife of Hetram alias Ashok Kumar, Vinit son of Hetram alias Ashok Kumar and Rajesh @ Monu Khanna son of Prem Nath. After investigation, challan has been submitted before the court against accused Chintu @ Chirag only. Hetram alias Ashok Kumar son of Pyare Lal, Krishna Rani wife of Hetram alisa Ashok Kumar, Vinit son of Hetram alias Ashok Kumar and Rajesh @ Monu Khanna were found innocent.

(B) Accused Chintu @ Chirag has not been declared Proclaimed offender.

C) One criminal case bearing FIR No.199 dated 08.05.2022 under Sections 500/506 IPC, P.S. City Kaithal was registered against Chintu @ Chirag son of Ashok Kumar @ Hetram. In said FIR No.199, Cancellation report has been prepared.

(D) Hetram alias Ashok Kumar son of Pyare Lal, Krishna Rani wife of Hetram alias Ashok Kumar, Vinit son of Hetram alias Ashok Kumar and Rajesh @ Monu Khanna son of Prem Nath have been found innocent after investigation. No one from above said persons has been declared Proclaimed offender and no other criminal case has been registered against anyone of them.”

Learned counsel for the petitioner contends that the marriage of the

petitioner was solemnized with respondent No.2 on 18.07.2018 but no child has

been born from the wedlock. Initially, the FIR was registered against 05 persons. However, challan has been present only against the petitioner and other 04 persons were found to be innocent. The offence under Sections 354/452 IPC have been deleted. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 18.05.2022 (Annexure P-3). The offence under Sections 354/452 IPC have been deleted during the course of investigation. The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family Court, Kaithal wherein, the statements of the parties at the stage of first motion have been recorded. A sum of Rs.7,00,000/- on account of permanent alimony has already been paid to 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.147 dated 05.11.2020 under Sections 323/354/406/452/498-A/506 IPC, registered at Women Police Station, Kaithal, District Kaithal and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

12.10.2022
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(VIVEK PURI)
JUDGE

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