

CRM-M-25301-2022

Date of decision: 28.09.2022

AJAY PAL SINGH

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Manoj Pundir, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Bharat Bhushan Sharma, Advocate for respondent Nos.2 and 3.

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.297 dated 11.06.2021 under Sections 406/498-A IPC, registered at Police Station Karnal Civil Lines, District Karnal and all the consequential proceedings arising therefrom, on the basis of compromise.

On 02.06.2022, 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 02.06.2022, learned Judicial Magistrate 1st Class, Karnal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“After careful perusal of the statement given on solemn affirmation by the complainant as well as accused vis-a-

vis compromise concerning the present case and after careful analysis of the same, no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. Rather this Court is convinced that the compromise between the parties in question appears to have been entered into voluntarily without any pressure or inducement.

It is further respectfully submitted that in the above-said FIR, four persons namely Sauraj Singh, Pushpa Singh, Shweta Singh and Ajay Pal Singh have been arrayed as accused in the present case, however, challan has been filed against accused Ajay Pal Singh only. It is further respectfully submitted that none of the accused has ever been declared proclaimed person by any court. It is further respectfully submitted that aforesaid accused persons are not involved in any other case. It is further respectfully submitted that in the above-said FIR, there is one complainant namely Virender Singh Thakur and there is one victim also namely Vidisha Thakur.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 17.02.2014 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 21.05.2022 (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 18.08.2022 passed by the Court of learned Family Court, Karnal. A sum of Rs.17,50,000/- has been paid on account of permanent alimony to respondent No.2 and custody of minor son shall remain with her. No other case is pending between the parties.

Learned counsel for respondent Nos.2 & 3 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

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.297 dated 11.06.2021 under Sections 406/498-A IPC, registered at Police Station Karnal Civil Lines, District Karnal 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.

28.09.2022
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(VIVEK PURI)
JUDGE

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