

CRM-M-26706-2022

Date of decision: 15.09.2022

PARAS GABA AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Raghav, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Ms. Poorva Gupta, Advocate for
Mr. Akshit Aggarwal, 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.216 dated 28.05.2021 under Sections 323/376/406/498-A/506/511 IPC, 1860 (Section 376 deleted in investigation), registered at Police Station Gandhi Nagar, Yamuna Nagar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 07.07.2022, 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 07.07.2022, learned Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Veracity of the compromise.

On oral inquiry, both the parties have stated that there was matrimonial dispute between them and now compromise has been effected between them voluntarily and without any threat, duress, pressure or any undue influence. That the compromise is not a result of any fraud or misrepresentation. I have specifically inquired about the validity of compromise from the complainant and she has stated that the compromise arrived at in the matter is voluntarily and she has no objection if the FIR in question be quashed on the basis of compromise.

*Separate statement of both the parties regarding compromise recorded. Same is attached here with as Annexure A (of complainant) and **Annexure B** (of both accused persons).*

After considering the oral submissions and written statements made by the parties, I am satisfied that the compromise has been actually arrived at between the parties and same is effected with their free volition and the same is not the result of any threat, undue influence or pressure and is also not a result of fraud or misrepresentation. Statements of the parties have been recorded, in which they have been duly identified by their respective counsels.

Whether any of the parties has been declared proclaimed offenders

*It is submitted that as per the statement (**Annexure C**) and report (Mark A) of Station House Officer, Police Station Gandhi Nagar, no accused/party not been declared proclaimed person/offender in the present FIR in question.”*

Learned counsel for the petitioners contend the marriage of petitioner No.1 was solemnized with respondent No.2 on 29.06.2020 but no child has been born from the wedlock. Initially, the FIR was registered against 07 persons. However, after the investigation, the challan has been presented only against the petitioners. Moreover, the offence under Sections 376/511 IPC has

been deleted. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 26.04.2022 (Annexure P-2). Petitioner No.1 and respondent No.2 have resumed co-habitation. Respondent No.2 is happily residing in the matrimonial house with petitioner No.1.

Learned counsel for respondent No.2 states that she 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. 216 dated 28.05.2021 under Sections 323/376/406/498-A/506/511 IPC, 1860 (Section 376 deleted in investigation), registered at Police Station Gandhi Nagar, Yamuna Nagar 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.

15.09.2022
renubala

(VIVEK PURI)
JUDGE

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