

CRM-M-30508-2022
Date of Decision: 23.09.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Aman Garg, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No.337 dated 20.06.2018 under Sections 406 and 498-A IPC registered at Police Station City Yamuna Nagar and all the consequential proceedings arising therefrom on the basis of compromise.

On 18.07.2022, the parties were directed to get their statements recorded before the learned Trial Court/Illaq Magistrate.

In compliance of the order dated 18.07.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri, has sent the report and the relevant portion whereof reads as under:-

“Whether the compromise is genuine, voluntary and without any coercion or undue influence ?

2. 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.

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

4. 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.

Number of persons arraigned as accused in FIR

5. It is submitted that as per the statement (Annexure C) of Investigating Officer of FIR namely SI Lakhwinder Mashri No.284, Police post Hamida, Police Station City Yamuna Nagar, the following four persons were named by complainant in the FIR in question :-

- 1. Deepankar Son of Shri Narinder Kumar;*
- 2. Shri Narinder Kumar;*
- 3. Raj Rani wife of Shri Narinder Kumar, All resident of Village Duliana, Post Office Dhanoura, Tehsil Barara, District Ambala.*
- 4. Harish Joshi resident of District Kurukshetra.*

He also stated that during investigation Narinder Kumar, Raj Rani & Harish Joshi were found innocent and were not arrested. That after completion of investigation, challan has been given only against the accused namely Deepankar.

Whether any accused is proclaimed offender;

Whether the accused persons are involved in any other case or not;

6. It is submitted that as per the statement (Annexure C) of Investigating Officer of FIR namely SI Lakhwinder Mashhi No.284, Police post Hamida, Police Station City Yamuna Nagar, the accused Deepankar is not involved in any other case/FIR nor he has been declared proclaimed offender/person in the FIR in question.

So, as per the statement of the Investigation officer, the accused Deepankar is not involved in any other case/FIR nor he has been declared proclaimed offender/person in the FIR in question.

How many victims/complainants are there in the FIR.

7. It is submitted that as per the statement (Annexure C) of Investigating Officer of FIR namely SI Lakhwinder Mashhi, the only victim/complainant in the FIR in question is Radha D/o Shri Pran Nath Sharma, Resident of House no.312, Munda Majra, District Yamuna Nagar, Haryana.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 04.12.2016 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 16.05.2022 contained at Annexure P-2. The marriage of petitioner 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 the judgment and decree dated 23.08.2022 passed by the Court of learned Family Court, Yamuna Nagar at Jagadhri. A sum of Rs.4,80,000/- has been paid to respondent No.2 on account of permanent alimony and no other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid

factual aspect(s) and further stated that he has no objection if the 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. 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.337 dated 20.06.2018 under Sections 406 and 498-A IPC registered at Police Station City Yamuna Nagar and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

23.09.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No