

CRM-M-26343-2022

Date of decision: 21.09.2022

ASHISH JAGLAN

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Pankaj Maini, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Atul Kaushik, Advocate for respondent No.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.656 dated 06.10.2017 under Sections 323/325/341/354-A/377/406/498-A/506/511 IPC, registered at Police Station Hansi City, District Hansi and all the consequential proceedings arising therefrom, on the basis of compromise.

On 13.06.2022, 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 13.06.2022, learned Sub Divisional Judicial Magistrate, Hansi has recorded the statements of the parties and submitted the following report which reads as under:-

"It is respectfully and humbly submitted that vide order dated 13.06.2022 passed by Hon'ble High Court in

CRM-M-26343-2022 (cited as subject), this Court has been directed to submit a report in respect of case arising from FIR No.656, dated 06.10.2017, under Sections 323/325/341/354-A/377/406/498-A/506/511 of IPC , registered at Police Station City Hansi, regarding number of persons arrayed as accused, whether any of accused is proclaimed offender, whether the accused persons are involved in any other FIR, how many victims/aggrieved persons are there in the FIR and as to genuineness and voluntary nature of the compromise. In this regard, it is respectfully submitted that aforesaid FIR has been registered only against accused Ashish (petitioner before Hon'ble High Court) and as per contents of aforesaid FIR, only Nishu wife of Ashish Jaglan and daughter of Shri Satbir Singh, R/o SCR-4, Model Town, Hansi, is the victim/aggrieved person. As per the statement of investigating officer, except aforementioned FIR, neither any other case has been registered against accused Ashish Jaglan nor any other case is pending against him and that said accused Ashish Jaglan has never been declared a proclaimed offender/person. Statement of investigating officer P/SI Kavita, so recorded by the undersigned, is annexed herewith for kind perusal. It is worthwhile to mention here that as per final report submitted by investigating agency in aforementioned FIR No.656, dated 06.10.2017, accused Ashish Jaglan has been charge-sheeted only for offence punishable under Sections 323/325/406/498-A and 506 IPC.

It is further submitted with utmost humility that on dated 04.07.2022, complainant Nishu and accused Ashish Jaglan appeared before the Court and moved an application for getting their statements recorded in pursuance of order dated 13.06.2022 passed by the Hon'ble High Court in CRM-M-26343-2022. Complainant-victim Nishu, without any pressure or coercion, made voluntary statement to the effect that with the intervention of a Panchayat, she has compromised the matter with the accused and no ill-will has remained between her and accused and that she has no objection in case FIR No.656, dated 06.10.2017, under Sections 323/325/341/354-A/377/406/498-A/506/511 of IPC, P.S. City Hansi, is quashed. Statement of accused Ashish Jaglan also made statement, wherein he concurred with the statement of complainant. Parties were duly identified by their respective counsel. The undersigned

too had asked relevant material questions regarding the statements so got recorded by parties and all the concerned had given reasonable answers to the questions. They had concurred with the statements that the same are their voluntarily depositions. Keeping in view the facts and circumstances of the case, oral as well as recorded statements of the parties, this Court is of the considered opinion that compromise arrived at between the parties is valid, genuine and same is without any coercion or undue influence.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.3 on 01.03.2017 but no child has been born from the wedlock. The FIR has been registered only against the petitioner and the other family members have been found to be innocent. Furthermore, the offence under Sections 341/354-A/377/511 IPC have been deleted. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 26.05.2022 (Annexure P-3). The marriage of the petitioner and respondent No.3 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 04.08.2022 passed by the Court of learned Family Court, Hisar. A sum of Rs.10,00,000/- has been paid on account of permanent alimony to respondent No.3. No other case is pending between the parties.

Learned counsel for respondent No.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 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.656 dated 06.10.2017 under Sections 323/325/341/354-A/377/406/498-A/506/511 IPC, registered at Police Station Hansi City, District Hansi all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

21.09.2022
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(VIVEK PURI)
JUDGE

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