

SUNIL AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Gahlawat, Advocate for the petitioners.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Ms. Aman Kaur, Advocate for

Mr. Dinesh Maurya, 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.509 dated 27.07.2020, under Sections 323/328/34/342/497/498-A IPC (Section 497 IPC has been deleted and 307 IPC added later on in the challan report, however, charges were framed for the offences punishable under Sections 323/328/498-A/34 IPC), registered at Police Station Rohtak City, District Rohtak, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 16.06.2022, 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 16.06.2022, learned Additional

Sessions Judge, Rohtak has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“It is found that all the parties i.e. Rinku, complainant and her husband accused Sunil and their neighbor accused Munesh wanted to live peacefully. Both wife Rinku and husband Sunil are residing together at present and the misunderstanding of complainant with accused Sunil and Munesh qua their relationship has been removed at their own level.

Thereafter, statements of the parties have been recorded after satisfy myself that parties were ready to make statements at their own will and they have settled the matter amicably without any coercion or pressure. Death report of other accused Krishna is also submitted today in the Court.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 09.02.2022 (Annexure P-2). The marriage of petitioner No.1 and respondent No.2 was solemnized on 10.05.2013 and a male child has been born from the wedlock. In terms of amicable settlement, respondent No.2 along with minor child are happily residing together 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.509 dated 27.07.2020, under Sections 323/328/34/342/497/498-A IPC (Section 497 IPC has been deleted and 307 IPC added later on in the challan report, however, charges were framed for the offences punishable under Sections 323/328/498-A/34 IPC), registered at Police Station Rohtak City, District Rohtak and 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.

18.08.2022
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(VIVEK PURI)
JUDGE

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