

MANOJ PARASHAR

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Abhimanyu, Advocate for
Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Mandeep Singh Lamba, Advocate for
Mr. Ankit Dahiya, Advocate for respondent No.2/complainant.

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.112 dated 15.02.2018 under Sections 323/406/498-A/506 IPC, registered at Police Station Mujesar, District Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise.

On 11.07.2022, 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 11.07.2022, learned Additional Chief Judicial Magistrate, Faridabad has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) Total number of persons arraigned as accused

in the FIR were five and as per statement of IO, four persons were found innocent and now matter is pending against one accused only namely Manoj;

(ii) As per statement of IO, no accused is declared as proclaimed offender;

(iii) As per statements of the parties as referred above, undersigned is of the view that compromise between the parties is genuine, voluntary and without any coercion or undue influence;

(iv) As per statement of IO, there is no other case pending against accused Manoj;

(v) As per statement of IO, there is only one victim/complainant in this name namely respondent No.2 Vandita.”

Learned counsel for the petitioner contends that though, the FIR was registered against the petitioner and other family members but after conclusion of investigation, the challan has been presented only against the petitioner and other family members have been found to be innocent. The matrimonial dispute has been amicably settled between the parties in terms of settlement dated 09.02.2022 (Annexure P-2). The marriage of the petitioner was solemnized with respondent No.2 on 17.07.2009 and a male child has been born from the wedlock. 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 23.08.2022 passed by the learned Family Court, Faridabad. A sum of Rs.7,50,000/- has been paid on account of permanent alimony to respondent No.2. The custody of minor child shall remain with the petitioner. No other case is pending between the parties.

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

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.112 dated 15.02.2018 under Sections 323/406/498-A/506 IPC, registered at Police Station Mujesar, District Faridabad and 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.

05.09.2022
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(VIVEK PURI)
JUDGE

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