

CRM-M-32372-2021

Date of decision: 24.05.2022

NARENDER RAWAT @ NARINDER SINGH
AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Surinder Avinash K. Sharma, Advocate
for the petitioners.

Mr. Amit Aggarwal, DAG, Haryana.

Mr. Ivneet Singh Pabla, 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. 77 dated 29.12.2018 under Sections 323/406/498-A/506 IPC, (Act XLV of 1860), registered at Women Police Station, Panchkula and all the consequential proceedings arising therefrom, on the basis of compromise.

On 04.03.2022, 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 04.03.2022, learned Judicial Magistrate 1st Class, Panchkula has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“1. Six persons namely Narender Rawat, Hem Raj Rawat, Bimla Rawat, Rajender Rawat, Laxmi Bist and

Uma Rawat were arrayed as accused in FIR.

2. No accused has been declared proclaimed offender in the present case.

3. The compromise is genuine, voluntary and without any coercion or undue influence.

4. No other criminal case is pending against the accused persons.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 09.08.2021 (Annexure P-2). The marriage between petitioner No.1 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 16.08.2021 passed by the Family Court at Panchkula. The FIR has been registered against 06 person i.e. petitioners but the challan was presented only against petitioner No.1.

Learned counsel for respondent No.2 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. 77 dated 29.12.2018 under Sections 323/406/498-A/506 IPC, (Act XLV of 1860), registered at Women Police Station, Panchkula 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.

24.05.2022
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(VIVEK PURI)
JUDGE

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