

CRM-M-31358-2022

Date of decision: 28.09.2022

NEM CHAND PARIK AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bhupender Singh, Advocate
for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Manoj Pundir, Advocate for
Mr. Narender Singh Sindhar, 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.471 dated 02.10.2021 under Sections 323/406/498-A/506 IPC, 1860 registered at Police Station Thanesar Sadar, District Kurukshetra and all the consequential proceedings arising therefrom, on the basis of compromise.

On 25.07.2022, 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 25.07.2022, learned Additional

and submitted the report, the relevant para whereof reads as under:-

“In view of the statements of the parties, this Court is satisfied that parties have voluntarily entered into the compromise which is in the interest of parties and would bring the harmony and peace between the parties. The said compromise/settlement is genuine and is not result of any pressure or coercion in any manner.

Further the information sought by Hon’ble High Court in the above said order is given as under:

1) *Number of persons arrayed as accused in FIR.*

There are six accused, who have been arrayed in FIR, out of which, accused Nem Chand Parik and Bhanvari Devi were joined by the police and subsequently their challan was presented before the Court. However, since nothing incriminating evidence was found against rest of the accused persons, therefore, they were not impleaded as accused in the present FIR and their names have been mentioned in Column No.B of the final report, presented by the police before the Court.

2) *Whether any accused is proclaimed offender.*

No.

3) *Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

The said compromise is genuine and is not a result of any pressure or coercion in any manner.

4) *Whether the accused persons are involved in any other case or not?*

No.

5) *The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

Statement of Investigating Officer was recorded, as per which, there is only one complainant/victim in the present case.”

Learned counsel for the petitioners contend that the marriage of Manoj Kumar, the son of the petitioners, was solemnized with respondent No.2 on 24.06.2012 and two daughters have been born from the wedlock. Manoj Kumar, the son of the petitioners has passed away on 02.11.2018. The dispute between the petitioners and respondent No.2, who is their daughter-in-law has been amicably settled in terms of compromise dated 30.03.2022 (Annexure P-2).

The custody of both the minor daughters shall remain with respondent No.2. The petitioners have prepared an FDR in the sum of Rs.12,00,000/- in the name of both the daughters of respondent No.2. Besides, the petitioners have also transferred 04 acres of land in favour of respondent No.2. No other case is pending between the parties.

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 family 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.471 dated 02.10.2021 under Sections 323/406/498-A/506 IPC, 1860 registered at Police Station Thanesar Sadar, District Kurukshetra 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.

28.09.2022
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(VIVEK PURI)
JUDGE

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