

CRM-M-33255-2022
Date of Decision: 30.09.2022

accused has been declared as proclaimed person.

iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?

Report: In the considered opinion of the undersigned, the compromise so effected is for the amicable settlement of the dispute and was effected without any external pressure, coercion or force and is a valid compromise.

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

Report: As per report of IO, the accused persons are not involved in any other case.

v) 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:-

Report: In the present case, as per the report of IO, there is only one complainant/victim in the present case, whose name is Anita.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 02.06.2013 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. Petitioner No.1 and respondent No.2 have resumed cohabitation. Respondent No.2 alongwith minor son is happily residing with petitioner No.1 in the matrimonial home. Respondent No.2 has withdrawn the petitions under Section 125 Cr.P.C and Section 12 of Protection of Women from Domestic Violence Act and no other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

After hearing 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.205 dated 29.09.2019 under Sections 323/406/498-A/506/34 IPC registered at Police Station Women NIT, Faridabad 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.

30.09.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No