

CRM-M-33347-2022

Date of decision: 15.11.2022

SHAMMY SHARMA

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Dinesh Maurya, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. G.S. Sandhu, Advocate for respondent No.2.

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.138 dated 18.12.2020 under Sections 323/406/498-A/506 IPC, registered at Women Police Station Karnal, District Karnal and all the consequential proceedings arising therefrom, on the basis of compromise.

On 01.08.2022, 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 01.08.2022, learned Judicial Magistrate 1st Class, Karnal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) There were four accused in the FIR but during the investigation accused Kanta, Geeta & Sukhdev were

found innocent and challan was presented against accused Shammy only. Accused have compromised the matter.

(ii) No accused was declared PO in the present case.

(iii) Yes, the compromise between the parties is valid and genuine and has been effected without there being any kind of influence or coercion.

(iv) No other criminal case is pending against accused Shammy.

(v) Manu Sharma is the only complainant in the present FIR.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 12.05.2022 (Annexure P-2) effected in Delhi Mediation Centre, Tis Hazari Courts, Delhi. Though, the FIR was registered against the petitioner and three other relatives but the other relatives have been found innocent and challan has been presented only against the petitioner. Furthermore, the offence under Section 377 IPC was deleted during the course of investigation. The marriage of the petitioner was solemnized with respondent No.2 on 22.02.2016 but no 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 01.11.2022 passed by the learned Family Court, Tiz Hazari, Delhi. A sum of Rs.2,00,000/- has been paid on account of permanent alimony to respondent No.2. The petitioner has withdrawn the petition under Section 13 of Hindu Marriage Act and respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. 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 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.138 dated 18.12.2020 under Sections 323/406/498-A/506 IPC, registered at Women Police Station Karnal, District Karnal 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.

15.11.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No