

CRM-M-32827-2020
Date of Decision: 23.05.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Naresh Kumar Ganga, Advocate,
for respondent No.2.

- 1) *There were three persons who were arrayed as accused in FIR. The names of those persons are Sunny, Bala Devi and Raju. However, charge sheet under Section 173 Cr.P.C. was filed against accused Sunny only and Bala Devi and Raju were kept in column no.2.*
- 2) *No accused is proclaimed offender.*

- 3) *The compromise is genuine, voluntary and without any coercion or undue influence.*
- 4) *No, the accused person is not involved in any other case as per the statement of Investigating Officer.*
- 5) *As per the statement given by Investigating Officer SI Neelam, P.S.Women Jhajjar, there is only one complainant/victim namely Bharti.”*

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of the compromise contained at Annexure P-2. The petitioner and respondent No.2 are happily residing together in the matrimonial house.

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. 61 dated 23.06.2016 under Sections 498-A/323/34 IPC registered at Women Police Station Jhajjar, District Jhajjar is ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

23.05.2022
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(VIVEK PURI)
JUDGE

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