

CRM-M-35648-2022

Date of decision: 09.11.2022

DILAWAR SINGH

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arun Kumar Gujjar, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Kapil Kumar, Advocate for
Mr. Vijay Pratap Singh, Advocate
for the complainant/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.58 dated 04.05.2021 under Sections 120-B/323/406/498-A/506 IPC, registered at Women Police Station, Panchkula and all the consequential proceedings arising therefrom, on the basis of compromise.

On 10.08.2022, 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 10.08.2022, learned Judicial Magistrate 1st Class, Panchkula has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) *The FIR was registered against six accused*

namely Dilawar, Karambir, Amarjit, Milan, Rajni and Gurmeet. However, challan was presented by police only against accused Dilawar.

(ii) No accused was declared proclaimed offender.

(iii) Separate statements of concerned parties have been recorded with regard to the genuineness and voluntary of the compromise, which shows that the compromise is genuine, voluntary and without any coercion or undue influence.

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

(v) Statement of Investigating Officer has been recorded with regard to above noted points No.(i), (ii) and (iv). Further, as per the statement of Investigating Officer, there is only one victim/complainant namely Apoorva in this case.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 11.04.2017 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 11.05.2022 (Annexure P-2). Though, the FIR was registered against the petitioner and his family members but except the petitioner, all other family members were found innocent during the course of investigation. The challan has been presented only against the petitioner. The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family Court, Kurukshetra wherein, the statements of the parties at the stage of first motion have been recorded. Respondent No.2 is working in Haryana Police and has not claimed any alimony. The custody of minor child shall remain with 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 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.58 dated 04.05.2021 under Sections 120-B/323/406/498-A/506 IPC, registered at Women Police Station, Panchkula 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.

09.11.2022
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(VIVEK PURI)
JUDGE

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