

CRM-M-35855-2022

Date of decision: 23.11.2022

LALIT @ GOLDY AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Monika Jangra, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Rahul K. Adia, 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.98 dated 28.05.2018 under Sections 323/34/406/498-A/506 IPC, registered at Police Station Women District Jind, Haryana and all the consequential proceedings arising therefrom, on the basis of compromise.

On 16.08.2022, 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 16.08.2022, learned Judicial Magistrate 1st Class, Jind has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“As per the respective statements of complainant Neelam and accused Lalit @ Goldy and Bimla the compromise

seems to have been effected voluntarily and further seems to be genuine compromise.

Statements of SHO Geeta recorded to the effect that investigation of the present case was completed by ASI Anita and thereafter challan was submitted before the Court. She further stated that in the present case, the police has filed final report against two accused persons namely Lalit and Bimla while finding the another five accused persons as innocent and none of the accused has been declared proclaimed offender.”

Learned counsel for the petitioner contends that the marriage of petitioner No.1 was solemnized with respondent No.2 about 2 ½ years prior to the registration of FIR and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 29.07.2022 (Annexure P-2). The other persons named in the FIR have been found innocent during the course of investigation. Petitioner No.1 and respondent No.2 have resumed co-habitation. Respondent No.2 along with the minor child is happily residing in the matrimonial house with petitioner No.1.

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.98 dated 28.05.2018 under Sections 323/34/406/498-A/506 IPC, registered at Police Station Women District Jind, Haryana 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.

23.11.2022

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(VIVEK PURI)
JUDGE

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