

CRM-M-38081-2022(O&M)
Date of decision: 01.12.2022

MANJET SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Govind Chauhan, Advocate for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Karan Singla, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Petitioners have has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.1154 dated 12.10.2018 under Sections 323/498-A/506/34 IPC (Section 376 IPC was deleted later on) and Section 3(2)(Va) of SC/ST Act, 1889, registered at Police Station Sadar Karnal and all the consequential proceedings arising therefrom, on the basis of compromise.

On 13.09.2022, 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 13.09.2022, learned Additional Sessions Judge, Karnal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

and Mahender Singh in the present case.

2. *As per statement of investigating officer recorded on 4.11.2022 no accused has been declared proclaimed offender in the present case.*

3 & 4. *On 30.9.2022 (respondent No. 2 in CRM-M-38081 of 2022) i.e. complainant Kajal, her father Dinesh Kumar and her mother Renuka have appeared before this Court. Before recording their statements, they had been orally asked about their willingness to make the statements and as to whether they had entered into the settlement/compromise voluntarily and without any pressure or coercion. Thereafter, the complainant Kajal has made a statement that she is the complainant of the present case. That she has compromised the matter with the accused persons namely Manjeet Kumar son of Mahender Singh and Mahender Singh son of Malook Singh, both residents of village Jundla, District Karnal, with the intervention of the respectables of locality and family members and now she has no grievance against the accused persons. The compromise has been entered into voluntarily and without any pressure or coercion from any quarter and with her sweet will. She does not want further action against the accused persons. The compromise is in their benefit as it will restore peace and harmony between the parties and shall eliminate the enmity between the parties.*

Similarly, her father Dinesh Kumar has also made a statement to the effect that he is witness in the present case. The present case was got registered by his daughter Kajal. That he has compromised the matter with the accused persons namely Manjeet Kumar son of Mahender Singh and Mahender Singh son of Malook Singh, both residents of village Jundla, District Karnal with the intervention of the respectables of locality and family members and now he has no grievance against the accused persons. The compromise has been entered into voluntarily and without any pressure or coercion from any quarter and with his sweet will. He does not want further action against the accused persons. The compromise is in their benefit as it will restore peace and harmony between the parties and shall eliminate the enmity between the parties. Also the mother Renuka of complainant has made the statement on the similar lines as that of her father and complainant.

On the same day, accused Manjeet Singh and Mahender Singh have made a joint statement to the effect that they have compromised the matter with the complainant namely Kajal d/o Dinesh Kumar, aged 22 years, R/o VPO Jundla, Tehsil and District Karnal, with the intervention of the respectables of locality and family members. The compromise has been entered into voluntarily and without any pressure or coercion from any quarter and with their sweet will. The compromise is in the benefit of both the parties and it will restore peace and harmony between both the parties and shall eliminate the enmity between the parties.

5. *On 4.11.2022, L/ASI Meena, investigating officer of this case has made a statement that the present case was registered against Manjeet Singh son of Mahender Singh and Mahinder Singh son of Malook Singh, Sukhwinder Kaur w/o Mahender*

Singh, all r/o village Jundla, District Karnal on the complaint moved by Kajal d/o Dinesh Kumar w/o Manjeet Singh, r/o village Jundla, District Karnal. During investigation, Sukhwinder Kaur was found innocent. Accused Manjeet Singh and Mahender Singh were arrested in this case and challan was filed against both the accused. Kajal is victim as well as complainant in this case. That no accused was declared proclaimed offender in this case neither arrest of any accused is pending in this case. However, as per the investigating officer, one more case bearing FIR No. 39 of 2019 under sections 452 and 506 of IPC was registered against accused Manjeet in P.S. Sadar, Karnal by complainant which is pending in the court of Sh. Ravi, Id. JMIC, Karnal for 10.3.2023.”

Learned counsel for the petitioners contend that the marriage of the complainant was solemnized with petitioner No.1 on 30.01.2018 and it was a love marriage. No child has been born from the wedlock. Initially, the FIR was registered with regard to the commission of offence under Sections 323, 498-A, 376, 506 read with Section 34 IPC and Section 3(2)(Va) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. However, the offence under Section 376 IPC has been deleted. Even on presentation of challan, charge has been framed with regard to the offence under Section 323, 506, 498A IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent before the learned Family Court, Karnal wherein the statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs. 2,50,000/- on account of permanent alimony to 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.1154 dated 12.10.2018 under Sections 323/498-A/506/34 IPC (Section 376 IPC was deleted later on) and Section 3(2)(Va) of SC/ST Act, 1889, registered at Police Station Sadar Karnal 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.

01.12.2022

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(VIVEK PURI)
JUDGE