

CRM-M-37626-2022

Date of decision: 09.11.2022

MANISH KUMAR JANGID AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Munish Kumar Garg, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Vikas Mehra, 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.73 dated 22.06.2018 under Sections 406/498-A/506/34 IPC, 1860, registered at Women Police Station, District Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise.

On 24.08.2022, 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 24.08.2022, learned Judicial Magistrate 1st Class, Gurugram has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“i) *There are two accused namely Manish Jangir and Krishna Devi. Both of them have appeared and made*

their joint statement.

ii) None of the accused is proclaimed offender.

iii) The compromise is genuine, voluntary and out of free will of the parties.

iv) The accused persons are not involved in any other case as stated by Investigating Officer.

v) The Investigating Officer had appeared and stated that there is only complainant namely Khusboo.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 01.7.2017 but no child has been born from the wedlock. Although, the FIR was registered against the petitioners and three other relatives but during the course of investigation, the other relatives were found innocent and the challan has been presented only against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of memorandum of understanding/settlement agreement dated 04.08.2022 (Annexure P-2). 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 in the learned Family Court, Gurugram wherein, the statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs.90,000/- on account of permanent alimony to respondent No.2 as per the settlement agreement (Annexure P-2). Respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. Petitioner No.1 has also withdrawn the application under Section 340 Cr.P.C and petition under Section 13 of Hindu Marriage Act and 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.73 dated 22.06.2018 under Sections 406/498-A/506/34 IPC, 1860, registered at Women Police Station, District Gurugram 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.

09.11.2022
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(VIVEK PURI)
JUDGE

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