

CRM-M-37605-2022

Date of decision: 22.11.2022

LALIT KUMAR NANDA

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Yashveer Kharb, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Varun Singh Dhanda, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Status report by way of affidavit of Dharamvir Singh, HPS, Deputy Superintendent of Police, Head Quarters, Panipat on behalf of the respondent-State has been filed and the same is taken on record.

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.228 dated 18.04.2022 under Sections 323/34/406/498-A and 506 IPC, registered at Police Station Tehsil Camp, District Panipat 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 Chief Judicial

Magistrate, Panipat has recorded the statements of the parties and submitted the

report, the relevant para whereof reads as under:-

- “1. Only one person namely Lalit Kumar is accused in this case.*
- 2. As per statement of Investigating Officer, accused has never been declared proclaimed offender.*
- 3. Compromise in question appears to be voluntary and without any coercion or undue influence, it appears to be genuine.*
- 4. There is no other criminal case lodged against him.*
- 5. Only one person is victim in the present case and she is the complainant herself in this FIR.”*

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 03.02.2019 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of memorandum of understanding dated 16.08.2022 (Annexure P-2). The petitioner 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. Respondent No.2 has withdrawn the petition under Section 125 Cr.P.C and the petition under Section 12 of the Protection of Women from Domestic Violence Act. A separate petition for quashing of FIR No.261 dated 13.05.2022, under Sections 148/149/323/506 IPC registered at Police Station City Panipat, District Panipat at the instance of the petitioner against respondent No.2 on the basis of compromise has also been instituted wherein, the statements of the parties have also been recorded.

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

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. 228 dated 18.04.2022 under Sections 323/34/406/498-A and 506 IPC, registered at Police Station Tehsil Camp, District Panipat 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.

22.11.2022

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(VIVEK PURI)
JUDGE

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