

CRM-M-38174-2020

Date of decision: 09.11.2022

NAYAN RAMESH PATIL AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ajay Pal Singh, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Amit Kohar, Advocate for
Mr. Ajay Dabar, 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.54 dated 12.05.2018 under Sections 34/406/498-A IPC, registered at Women Police Station, District Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise.

On 19.11.2020, 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 19.11.2020, learned Judicial Magistrate 1st Class, Gurugram has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

parties, it is respectfully mentioned that in view of the statement of both the parties, this Court is satisfied that the matter has been voluntarily compromised between the parties and the complainant has entered into a settlement with the accused person out of her own volition and same is without any influence or coercion.

(ii) As per the report of IO/ASI Manju, no party was declared as proclaimed offender in the present case.”

Learned counsel for the petitioners contend that although the FIR was registered against three petitioners but during the course of investigation, petitioner Nos.2 and 3 were found innocent. Furthermore, subsequent to the registration of FIR, petitioner Nos.2 and 3 have died and as such, he does not press the petition qua petitioner Nos.2 and 3 and the same be dismissed as withdrawn.

Learned counsel for the petitioners further contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 12.02.2016 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of memorandum of understanding dated 07.12.2019 (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. The parties have settled all their disputes qua articles of *Istri Dhan* and permanent alimony. 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.54 dated 12.05.2018 under Sections 34/406/498-A IPC, registered at Women Police Station, District Gurugram all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioner No.1 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