

**243 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-39238-2022
Date of Decision: 27.10.2022**

SUMIT KUMAR AND OTHERS

... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rahul Jaswal, Advocate for the petitioners.

Mr. Karan Garg, AAG Haryana.

Mr. GVS Behl, Advocate for
Mr. Akashdeep Singh, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 62 dated 21.08.2020, under sections 34, 354-A, 376, 406, 498-A, 511 IPC registered at Police Station Women, District Rohtak and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-5).

On 01.09.2022, the parties were directed to appear before the Trial Court 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 of the compromise.

In compliance of the order dated 01.09.2022, learned Judicial Magistrate Ist Class, Rohtak has recorded the statements of the parties and

submitted the report, the relevant portion whereof reads as under:-

“2. Statement of complainant Nikita (respondent no. 2 before Hon'ble High Court) and accused person namely Sumit, Manju Rani, Tejpal, Ritu and Prashant (petitioners before Hon'ble High Court) have got recorded their respective statements.

3. Complainant Nikita had appeared before the undersigned and stated that the matter between the parties has been compromised amicably and no grievance remains between them. She does not want to proceed further with the present case and also she has no objection in quashing of FIR against the accused. She further stated that she is making statement voluntarily and without any pressure.

4. Accused namely Sumit, Manju Rani, Tejpal, Ritu and Prashant have also appeared and their statement has also been recorded to the effect that they have compromised the matter with complainant. This compromise has taken place without any fraud and misrepresentation.

5. I have also inquired from both the parties, especially from complainant Nikita, who has stated that the compromise has been arrived at between them and the same is not due to any threat, coercion and undue influence from the accused side and is a volunteer act of the parties.

6. So, in view of the aforesaid facts, I am of the considered view that the compromise effected between the parties is genuine and same is not the result of any fraud or misrepresentation and is the result of free will of the parties.

7. As per the Investigation Officer, the accused is not involved in any other case or declared proclaimed offender in any criminal case. Five accused persons namely Sumit, Manju Rani, Tejpal, Ritu and Prashant were named in the FIR. However, final report/challan was presented against accused Sumit only. Nikita/complainant is the only victim.”

Learned counsel for the petitioners contend that marriage of petitioner No.1 was solemnized with respondent No.2 on 24.02.2019 but no child has been born from the wedlock. Initially, the challan was presented only against petitioner No.1 but petitioner Nos. 2 to 5 have been summoned by the trial Court on the application under Section 190 Cr.PC. The

matrimonial dispute has been amicably settled between the parties in Mediation and Conciliation Center of this Court and Annexure P-5 is the Settlement Agreement. Respondent No.2 has been acquitted in the case bearing FIR No. 387 dated 03.09.2020 under Section 376 IPC which was registered at Police Station Ashok Vihar, Delhi at the instance of the sisters of petitioner No.1. Respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. 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 in the Family Court at Rohtak, wherein the statements at the stage of first motion have been recorded. A sum of Rs. 7,50,000/- shall be paid to respondent No.2 on account of permanent alimony as per the terms of the Settlement. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

After hearing 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 (Annexure P-5). The compromise is without any pressure and is 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*.

Accordingly, the present petition is allowed and FIR No. 62 dated 21.08.2020, under sections 34, 354-A, 376, 406, 498-A, 511 IPC registered at Police Station Women, District Rohtak and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

27.10.2022

Janki

(VIVEK PURI)
JUDGE

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