

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43277-2021
Date of decision: 05.01.2022

DEVENDER SINGH AND ANOTHER

...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sumit Sangwan, Advocate
for the petitioners.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. Vikrant Rana, Advocate
for respondents No.2 and 3.

*(The case has been taken up through video conferencing on account
of Covid-19 Pandemic).*

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. 0465 dated 15.11.2016 under Sections 312, 323 and 498-A of Indian Penal Code, 1860 (Section 312 of IPC, 1860 deleted during investigation) registered at Police Station Dadri Sadar, District Bhiwani (now District Charkhi Dadri), and all the consequential proceedings arising therefrom, on the basis of compromise.

On 13.10.2021, 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 13.10.2021, Additional Chief Judicial Magistrate, Charkhi Dadri has recorded the statements of the parties and submitted its report dated 21.12.2021, the relevant para whereof reads as under:-

“With due regard, it is submitted that the Hon’ble High Court had passed an order dated 13.10.2021 in CRM-M-43277 of 2021 and sought the information regarding the points such as whether any accused are proclaimed offender, whether the compromise is genuine, voluntary and without any coercion. Further, the Trial Court is also directed to report as to the involvement of accused persons in any other case. The pointwise information is submitted as under:-

(i) There are three accused persons namely Devender son of Mahender, Shanti Devi widow of Mahender and Devender son of Mahender, all residents of village Chirya, Tehsil and District Charkhi Dadri in the instant FIR. (Proceedings against accused namely Mahender have already dropped being dead).

(ii) Accused persons are not declared as proclaimed offender in any other criminal case as per report of DSP (HQ), Charkhi Dadri.

(iii) Both the parties have appeared before the undersigned and they have made their statements to have entered into a compromise with their own sweet will and without any pressure.

(iv) The accused are not involved in any other FIR as per report of DSP (HQ), Charkhi Dadri.

Hence, in view of statements given by both the parties before this Court, it appears that the matter has been compromised between the parties out of their sweet will and volition and without any coercion or undue influence.”

Learned counsel for the petitioners contends that the charge under Section 312 IPC was not framed, the matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B

of Hindu Marriage Act. He further states that petitions under Section 125 Cr. P.C.

and under Sections 12/18/19/20/22/23 of Protection of Women from Domestic Violence Act have already been withdrawn by respondent No.2.

The learned counsel for the respondent No.2 has not assailed the aforesaid factual aspects.

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.

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.0465 dated 15.11.2016 under Sections 312, 323 and 498-A of Indian Penal Code, 1860 (Section 312 of IPC, 1860 deleted during investigation) registered at Police Station Dadri Sadar, District Bhiwani (now District Charkhi Dadri), and 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.

05.01.2022
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(VIVEK PURI)
JUDGE