

243 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45381-2021
Date of Decision: 23.03.2022

ZAKIR HUSSAIN AND OTHERS

... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Govind Chauhan, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Jagjot Singh, Advocate for respondent No.2.

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

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.232 dated 06.11.2019, under Sections 323/506/498-A/406/377 IPC, registered at Women Police Station, NIT Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

At the very outset, it has been pointed out by learned counsel for the petitioners that after the investigation the challan has only been presented against petitioner No. 1 whereas, the names of petitioner Nos. 2 to 8 have been reflected in Column No.12 of the report under Section 173 Cr.P.C. as they have been found innocent. Furthermore, the challan has only been presented with regard to the offences under Sections 323, 498-A, 406,

506 and 377 IPC and he does not press the present petition qua petitioner

Nos.2 to 8.

On 29.10.2021 notice of motion was issued and 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 29.10.2021, learned Judicial Magistrate First Class, Faridabad has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“i) If the compromise so arrived between the parties is genuine, voluntary and out of free will:-

Report: In the considered opinion of the undersigned, the compromise so effected is for the amicable settlement of the dispute and was effected without any external pressure, coercion or force and is a valid compromise.

ii) Whether any PO proceedings are pending against any of the party:

Report: In the present case, as per the report of L/ASI Rajni, P.S. Women, NIT Faridabad none of accused have been declared proclaimed offender/person..”

Learned counsel for the petitioners contends that the matrimonial dispute has been amicably settled between the parties and the marriage between the petitioner and respondent No.2 has been dissolved in terms of the settlement deed, Annexure P-3. This aspect of the matter has not been disputed by learned counsel for respondent No.2 and he states that he has no objection if the FIR is quashed qua petitioner No.1.

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-3). 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. 232 dated 06.11.2019, under Sections 323/506/498-A/406/377 IPC, registered at Women Police Station, NIT Faridabad and all the consequential proceedings arising therefrom are quashed qua *petitioner No.1* only.

23.03.2022

Janki

(VIVEK PURI)
JUDGE

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