

CRM-M-46199-2021
Date of Decision: 23.09.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Kuldeep Sharma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

In compliance of the order dated 18.11.2021, the statements of the parties have been recorded and the learned Additional Chief Judicial Magistrate, Dadri, has sent the report and the relevant portion whereof reads as under:-

(ii) Accused person 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.

(v) As per case file and FIR, there is only one Victim/complainant namely Nisha D/O Randhir Singh,

(vi) The case has been going on at the stage of recording of prosecution evidence, however no witness is recorded so far.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 12.07.2016 and a daughter has been born from the wedlock. Initially, the FIR was registered against the petitioners and three other relatives. However, the three other relatives have been found to be innocent during the course of investigation and challan has been presented only against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. The petitioner No.1 and respondent No.2 have resumed cohabitation. Respondent No.2 alongwith minor daughter is happily residing in the matrimonial home with petitioner No.1.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. 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.354 dated 19.07.2017 under Sections 406/498-A/506/377/34 IPC registered at Police Station Dadri Sadar, District Charkhi Dadri and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

23.09.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No