

CRM-M-45881-2021

Date of decision: 04.02.2022

DHARAMBIR AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Manoj Tanwar, Advocate
for the petitioners.

Mr. Ranvir S. Arya, Addl. AG, Haryana.

Mr. Aruz Khan, Advocate
for respondent No.2/complainant.

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

VIVEK PURI, J. (ORAL)

Mr. Aruz Khan, Advocate has filed his power of attorney on behalf
of respondent No.2/complainant and the same is taken on record.

On the previous date of hearing, it was pointed out by the learned
State counsel that the FIR has been registered under Sections 323/354-A/452/506
read with Section 34 IPC whereas in the petition the offences have been
mentioned as to be punishable under Sections 323/354-B/452/506 read with
Section 34 IPC.

Learned counsel for the petitioner had sought time to verify this
aspect of the matter.

Today, it has been stated that after the conclusion of the
investigation, the report under Section 173 Cr.P.C. has been presented under
Sections 323/354-B/452/506 read with Section 34 IPC and the same Sections
have been mentioned in the petition.

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. 548 dated 18.09.2018 under Sections 323/34/354-B/452/506 IPC, 1860 registered at Police Station City Mohindergarh, District Mohindergarh, and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the basis of the complaint submitted by respondent No.2 alleging that petitioner No.1 used to tease her and one night he gained entry in the house, threatened to kill, abduct her and also tore her clothes. When the husband of respondent No.2 came to know about the same, he was abused and given beatings by the petitioners.

On 02.11.2021, 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 02.11.2021, learned Additional Civil Judge (Sr. Division), Mohindergarh has recorded the statements of the parties and submitted its report dated 17.11.2021, the relevant para whereof reads as under:-

“ I have the honour to submit that the Hon’ble High Court vide order dated 02.11.2021 passed in CRM-M-45881-2021 titled as “Dharmabir and another Vs State of Haryana and others” has been pleased to direct the parties to appear before the trial court/Illaq Magistrate on 17.11.2021 or any other date convenient to the trial court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial court/Illaq Magistrate, is directed to send the report regarding the

genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party.

2. In this regard, it is submitted that on 17.11.2021, in pursuance to the directions given by the Hon'ble High Court, parties appear before the trial Court.

3. Complainant/injured Sonia has suffered a statement to the effect that she has compromised the matter with the accused persons without any fear, pressure or undue influence. Now she does not wish to pursue the case and as such the same may be closed. Statement of complainant/injured in this regard recorded separately duly identified by Sh. Shamsher Singh, Advocate.

4. Injured Sanjay has also suffered a statement to the effect that he has compromised the matter with the accused persons without any fear, pressure or undue influence. Statement of injured in this regard recorded separately duly identified by Sh. Shamsher Singh, Advocate.

5. Both the accused persons namely Dharambir and Ashu @ Mohit have also suffered statements to the effect that they have compromised the matter with the complainant/injured. In view of the compromise the case against them may be closed. Joint statement of both the accused persons in this regard also recorded separately duly identified by Sh. BS Shekhawat, Advocate.

6. The Statements in original are annexed herewith as Annexure-A(Complainant/injured), Annexure-B (injured) & Annexure-C (accused persons) for the kind perusal of your lordship.

7. At the time of recording the statements of the parties, I have satisfied myself by way of putting several questions to the parties regarding the genuineness of the compromise. In my considered opinion, the compromise in the case is genuine, voluntary and has been effected without any threat, fear, inducement and pressure. Further, it is submitted that none of the accused persons has been declared a proclaimed person during the trial. ”

The matter in dispute has been amicably settled in terms of compromise dated 14.10.2021 (Annexure P-2). The parties are stated to be neighbours and in such circumstances, in the event, the amicable settlement is given effect, the same will help in maintaining cordial relations in future.

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. 548 dated 18.09.2018 under Sections 323/34/354-B/452/506 IPC, 1860 registered at Police Station City Mohindergarh, District Mohindergarh 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.

04.02.2022
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(VIVEK PURI)
JUDGE

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