

CRM-M-46507-2021

Date of decision: 29.09.2022

DEEPAK

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chirag Wadhwa, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. IPS Mangat, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Mr. IPS Mangat, Advocate has put in appearance on behalf of respondent No.2 and filed power of attorney which is taken on record.

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.408 dated 14.07.2017 under Sections 323/406/498-A/506 IPC, 1860, registered at Police Station Gharaunda, District Karnal and all the consequential proceedings arising therefrom, on the basis of compromise.

On 03.11.2021, 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 03.11.2021, learned Judicial Magistrate 1st Class, Karnal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“The parties have assured the undersigned that they are satisfied with the compromise. The parties have been duly identified by their counsel. In my opinion, the compromise is genuine, voluntary and without any coercion or undue influence as both the parties had assembled in the court and made the statements voluntarily. The copies of statements of both the parties are hereby enclosed.

The Hon’ble High Court has also sought certain other information. In this regard, the Investigating Officer was summoned who stated the followings:-

(i) There were two accused in the FIR namely Deepak and his mother Lata. Lata was found innocent during investigation.

(ii) None of the accused is a proclaimed offender.

(iii) There is no other case pending against any of the accused.

(iv) There is only one complainant/victim Deepa in the case.”

Learned counsel for the petitioner contends that the FIR was registered against the petitioner and his mother. However, during the course of investigation, the mother of the petitioner was found innocent and the challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 27.11.2013 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 28.10.2021 (Annexure P-2). The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 25.04.2022 passed by the learned Family Court, Karnal. A sum of Rs.3,50,000/- has been paid on account of permanent alimony to respondent No.2 and the custody of minor daughter shall remain with her. No other case is pending between the parties.

Learned counsel for respondent No.2 states that he has no objection

if FIR is quashed.

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.

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.408 dated 14.07.2017 under Sections 323/406/498-A/506 IPC, 1860, registered at Police Station Gharaunda, District Karnal and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioner only.

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

29.09.2022
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(VIVEK PURI)
JUDGE