

CRM-M-46909-2021

Date of decision: 29.09.2022

KAPIL MOHAN AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Satyavir Singh, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Surinder Singh Virk, Advocate for respondent No.2.

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.258 dated 25.12.2019 under Sections 323/406/498-A/506/34 IPC, registered at Women Police Station Panipat, District Panipat and all the consequential proceedings arising therefrom, on the basis of compromise.

On 29.11.2021, 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 29.11.2021, learned Judicial Magistrate 1st Class, Panipat has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

of respondent No.2/complainant Natasha Bhasin and accused/petitioners Kapil Mohan, Kaushalya Devi, Puneet Kumar, Rashmi and Rajan Bansal the matter has been compromised between the said parties voluntarily, without any pressure, coercion and undue influences from any corner.

Report filed by ASI Sushila Devi, P.S. Women, Panipat also perused. The information as sought by the Hon'ble High Court is submitted here as under:-

- 1. As per the statement/report of ASI Sushila Devi, Five accused persons facing trial are arrayed as accused in the present FIR.*
- 2. As per the report of ASI Sushila Devi, none of the accused is proclaimed person/offender.*
- 3. As per the report of ASI Sushila Devi, no other case is registered against accused Kapil Mohan, Kaushalya Devi, Puneet Kumar, Rashmi and Rajan Bansal.*
- 4. As per the report of ASI Sushila Devi, Natasha is the only victim/complainant in the present FIR.”*

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 17.06.2017 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 10.10.2021 (Annexure P-2). 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 in terms of judgment and decree dated 04.04.2022 passed by the learned Family Court, Panipat. A sum of Rs.5,50,000/- has been paid on account of permanent alimony to respondent No.2. 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.258 dated 25.12.2019 under Sections 323/406/498-A/506/34 IPC, registered at Women Police Station Panipat, District Panipat and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

29.09.2022
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(VIVEK PURI)
JUDGE

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