

PALVINDER SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tanmoy Gupta, Advocate
for the petitioners.

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

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

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. 42 dated 27.03.2019 under Sections 323/34/406/498-A IPC, 1860 registered at
Women Police Station, Gurugram District Gurugram, and all the consequential
proceedings arising therefrom, on the basis of compromise.

On 10.12.2021, 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 10.12.2021, learned Civil Judge (Jr. Division)-cum-Judicial Magistrate 1st Class, Gurugram has recorded the statements of the parties and submitted its report dated 04.01.2022, the relevant para whereof reads as under:-

“ With respect to FIR No. 42 of 2019, PS Women, Sector 51, Gurugram, vide Order dated 10.12.2021 of Hon’ble Mr. Justice Anoop Chitkara of Hon’ble Punjab & Haryana High Court, the parties were directed to appear before the Trial Court/Illaq Magistrate for getting their statements recorded regarding the compromise reached between them. In furtherance of the said directions separate statement of complainant Isha Kalra and separate joint statement of accused Palvinder Singh along with his father Mahender Singh and mother Surjit Kaur (petitioners before Hon’ble High Court) were recorded. The parties were duly identified. It has been verified that the compromise entered into between the parties to case is voluntary without any pressure, threat or coercion. Further, statement of the I.O ASI Chander Kanta is also recorded to the effect that the present FIR was registered against the husband Palvinder Singh, father-in-law Mahender Singh Gulati and mother-in-law Surjit Kaur. The IO further stated that during investigation brother-in-law Kulwinder Singh and sister-in-law Satwinder Kaur were joined in investigation but during investigation the father-in-law, mother-in-law, brother-in-law and sister-in-law were found innocent and challan was submitted qua the husband i.e. Palvinder Singh. The IO further stated that no accused has been declared PO in present case. The copies of the statements and order of this Court are attached herewith for onward transmission to the Hon’ble High Court. ”

Learned counsel for the petitioners contends that the matrimonial dispute has been amicable settled between the parties. The marriage between petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by

Learned counsel for respondent No.2 has stated 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.

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. 42 dated 27.03.2019 under Sections 323/34/406/498-A IPC, 1860 registered at Women Police Station, Gurugram District Gurugram 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