

MUKESH KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Aakash Juneja, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Sunil Tandon, Advocate, for
Mr. Deepak Girotra, Advocate
for the respondent No.2.

VIVEK PURI, J. (ORAL)

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.327 dated 28.09.2019 under Sections 498-A/406/506/323 IPC, registered at Police Station P.G.I.M.S, Rohtak.

On 25.03.2021, 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 25.03.2021, L/Chief Judicial Magistrate, Rohtak has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“ (i) *Whether the compromise is genuine?*
Yes.

(ii) *Whether any other accused persons have been*

nominated as accused?
No.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 12.10.2011 and two children have been born from the wedlock. Although, there were allegations levelled against the other relatives of the petitioner but the challan has been presented only against the petitioner. The other relatives have been found to be innocent. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 26.11.2020 (Annexure P-2). Respondent No.2 along with minor children are happily residing together in the matrimonial house with the petitioner.

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)***

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.327 dated 28.09.2019 under Sections 498-A/406/506/323 IPC, registered at Police Station P.G.I.M.S, Rohtak 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.

07.09.2022
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(VIVEK PURI)
JUDGE

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