

CRM-M-43642-2022

Date of decision: 12.12.2022

LAKHBIR SINGH

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Ms. Kamlesh, Advocate for 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.517 dated 16.06.2019 under Sections 323/406/498-A/34 IPC, registered at Police Station City, Karnal and all the consequential proceedings arising therefrom, on the basis of compromise.

On 21.09.2022, 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 21.09.2022, learned Judicial Magistrate 1st Class, Karnal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“After careful perusal of the statement given on solemn affirmation by the complainant as well as accused vis-a-vis compromise concerning the present case and after

careful analysis of the same, no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. Rather this Court is convinced that the compromise between the parties in question appears to have been entered into voluntarily without any pressure or inducement.

It is further respectfully submitted that in the above-said FIR, four persons namely Jagtar Singh, Amrik Singh, Balwinder Kaur and Lakhbir Singh were arrayed as accused but Police Final Report u/s 173 Cr.P.C has been filed qua accused Lakhbir Singh only. It is further respectfully submitted that none of the accused has been declared proclaimed person. It is further respectfully submitted that none of the accused is involved in any other case. It is further respectfully submitted that in the present case there is only one victim/complainant namely Gurmeet Kaur.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 22.01.2017 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 18.08.2022(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 09.11.2022 passed by the learned Family Court, Karnal. A sum of Rs.2,50,000/- has been paid to respondent No.2 on account of permanent alimony and she has received all her articles of *Istri Dhan*. The custody of minor child shall remain with 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

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.517 dated 16.06.2019 under Sections 323/406/498-A/34 IPC, registered at Police Station City, Karnal 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.

12.12.2022

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(VIVEK PURI)
JUDGE

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