

CRM-M-44281-2022(O&M)
Date of decision: 09.12.2022

MANISH AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tejinder Singh Malik, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Azad Khan, 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.287 dated 04.06.2022 under Sections 323/34/406/498-A IPC, 1860 registered at Police Station Civil Line, Sonipat and all the consequential proceedings arising therefrom, on the basis of compromise.

On 23.09.2022, 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 23.09.2022, learned Judicial Magistrate 1st Class, Sonipat has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“It is submitted that accused in present case is on bail. Challan has been filed in the present case. It is further submitted that as per statement of P/ASI Sonia,

Investigating Officer, no one has been declared as proclaimed offender/person. It is submitted that as per statements of the parties, compromise between appearing parties is genuine and voluntary and out of their free will.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 25.01.2019 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 17.09.2022 (Annexure P-8). Petitioner No.1 and respondent No.2 have resumed co-habitation. Respondent No.2 along with the minor child, is happily residing in the matrimonial house with petitioner No.1.

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.287 dated 04.06.2022 under Sections 323/34/406/498-A IPC,1860 registered at Police Station Civil Line, Sonipat 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.

09.12.2022

renubala

(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No