

CRM-M-49625-2021
Date of Decision: 14.03.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Manoj Pundir, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

In compliance of the order dated 26.11.2021, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Yamuna Nagar, Jagadhri has sent the report and the same is reproduced here-in-below:-

“In compliance of order dated 26.11.2021 passed by Hon'ble High Court of Punjab & Harvana at Chandigarh, in CRM-M-49625-2021 titled as Shiv Parshad & others vs. State of Haryana & another, bearing FIR No.289 dated 14.10.2019, under Sections 323, 406, 498-A,506 of IPC, Police Station Sadar Yamuna Nagar, my report is as under

1. *In compliance of the order dated 26.11.2021 passed by Hon'ble High Court, complainant Komal wife of Shiv Parshad and daughter of Raj Kumar and accused (1) Shiv Parshad son of Dhukhai @ Dhokhai Parshad, (2) Dhukhai @ Dhokhai son of Sham Lal and (3) Maya Devi wife of Dhukhai @ Dhokhai Parshad, appeared before the court of undersigned and got recorded their separate statements. Statement of complainant is Annexure-I and statement of accused is Annexure-II (Annexed herewith in original). Compromise Ex.CX is Annexure-III.*

As per statement of complainant Komal, the matter between the complainant and accused persons has been compromised voluntarily without any pressure, threat or coercion. It has been stated by the complainant that she has no objection if the FIR is quashed against accused. In the similar manner, accused Shiv Parshad, Dhukhai (@ Dhokhai and Maya Devi have given statement that matter between them has been compromised voluntarily without any pressure, threat or coercion. From the statements of complainant and accused persons, it appear that matter between complainant and accused has been compromised voluntarily without pressure of any kind from any corner and compromise effected between them is genuine one.

Had there been any pressure of any kind on any of the persons, who had given statements before this court, then he could bring notice of this court about that fact, but none of the persons, who had given statements had stated that he was under pressure of any kind.

In these circumstances, it is concluded that the statements of the complainant and accused persons are bona fide and are not result of any threat, duress or coercion in any manner and hence compromise effected between complainant and accused is voluntarily without any threat or coercion and is valid one.

2. *In pursuance of the notice, ASI Jai Bhagwan. No.37/YNR appeared on 04.03.2022 and suffered a*

statement that he was the Investigating Officer of the present case. The case was registered on the complaint of Komal wife of Shiv Parshad and daughter of Raj Kumar, resident of Teerath Nagar, Badi Maira, Yamuna Nagar against (1) Shiv Parshad son of Dhukhai Parshad, (2) Dhukhai Parshad son of Sham Lal, (3) Maya Devi wife of Dhukhai Parshad, (4) Guru Parshad son Dhukhai Parshad, (5) Komal wife of Guru Parshad (6) Geeta daughter of Dukhai Parshad, resident of Gopal Colony, Bada Rai Majra, Patiala (Punjab). He further stated that during investigation, Guru Parshad, Komal wife of Guru Parshad and Geeta were found innocent. He further stated that as per record, the accused persons have not been declared Proclaimed Person by any Court of Law in this case or in any other case in India. He further stated that no other criminal proceeding is pending against the accused persons. Statement of IO is Annexure-IV (Annexed herewith in original).

It is also reported that accused Shiv Parshad, Dhukhai Parshad and Maya Devi are facing trial of the present case and they are appearing before the Court.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties. It has been further stated that the marriage between petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and has stated that he has no objection if the FIR is quashed.

After hearing 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.289 dated 14.10.2019 under Sections 323/406/498-A/506 IPC registered at Police Station Sadar, Yamuna Nagar on the basis of compromise (Annexure P-2) and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

14.03.2022

smriti

(VIVEK PURI)

JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No