

CRM-M-50966-2021

Date of decision: 24.05.2022

ANKIT GUPTA AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anshul Mangla, Advocate for the petitioners.

Mr. Amit Aggarwal, DAG, Haryana.

Mr. Udit Garg, 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. 408 dated 09.07.2021 under Sections 323/406/498-A/506/34 IPC, 1860, registered at Police Station Shahabad, District Kurukshetra and all the consequential proceedings arising therefrom, on the basis of compromise.

On 28.02.2022, 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 28.02.2022, learned Sub Divisional Judicial Magistrate, Shahabad has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“(i) There are five accused persons namely Ankit Gupta, Pooja Goel, Shalu, Jyoti and Pawan Kumar Gupta arrayed in the present FIR. Accused persons namely

Pooja Goel, Shalu and Jyoti were found innocent during the investigation and they were not charge sheeted.

(ii) None of the accused has been declared proclaimed offender in the present FIR.

(iii) The compromise is genuine and is found valid, voluntary, out of free will of the parties and without any influence and coercion.

(iv) The accused persons are not involved in any other case.

(v) There is only one victim/complainant namely Mitali Sagar in the present case”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 04.08.2021 (Annexure P-3). The marriage of petitioner No.1 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 23.02.2022 passed by the Family Court at Kurukshetra. A child was born from the wedlock and she will remain in the custody of respondent No.2. A sum of Rs. 15,00,000/- has been paid on account of permanent alimony. No other case is pending between the parties. The offence under Section 354 IPC has been deleted.

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.408 dated 09.07.2021 under Sections 323/406/498-A/506/34 IPC, 1860, registered at Police Station Shahabad, District Kurukshetra 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.

24.05.2022
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(VIVEK PURI)
JUDGE

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