

PAWAN AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kuldeep Khandwal, Advocate for
Mr. Mohit Rathee, Advocate for the petitioners.

Mr. Amit Aggarwal, DAG, Haryana.

Mr. Shakti Singh, 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. 286 dated 30.06.2017 under Sections 498-A/406/34 IPC, 1860, registered at Police Station Sadar Rohtak, District Rohtak and all the consequential proceedings arising therefrom, on the basis of compromise.

On 15.02.2022, 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 15.02.2022, learned Additional Chief Judicial Magistrate, Rohtak has recorded the statements of the parties and submitted her report, the relevant para whereof reads as under:-

“(i) *Number of persons arrayed as accused in FIR.*
There are three persons namely Pawan, Santosh

and Ramesh arrayed as accused in present FIR as per report of Investigating Officer.

(ii) Whether any accused is declared proclaimed offender?

No.

(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?

Yes, the compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.

(iv) Whether the accused persons are involved in any other case or not?

As per report of the Investigating Officer, accused persons are not involved in any other case.

(v) Recording of statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

Report of Investigating Officer in writing has been obtained separately today as per which there is only one victim/complainant namely Tamanna d/o late Sh. Rakesh, r/o Bahujamalpur, Rohtak."

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 25.10.2021 (Annexure P-2). Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent, wherein the statements of the parties at the stage of first motion have been recorded. 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 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

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.286 dated 30.06.2017 under Sections 498-A/406/34 IPC, 1860, registered at Police Station Sadar Rohtak, District Rohtak 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