

CRM-12165-2022 in/and

CRM-M-51452-2021(O&M)

Date of decision: 04.04.2022

...APPLICANT/PETITIONERS

VERSUS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present:

Mr. V.P. Sangwan, Advocate

for the applicant/petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Ms. Anu Bala Garg, Advocate

for respondent No.2.

VIVEK PURI,J. (ORAL)

CRM-12165-2022

This is an application for placing on record the copy of report under

Section 173 Cr.P.C dated 07.11.2020 (Annexure P-8).

CRM application is disposed of and Annexure P-8 is taken on record.

Registry to tag the same at the appropriate place.

Main case

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. 60 dated 28.03.2020 under Sections 323/34/354/406/498-A/506 IPC, 1860

(later on added Sections 376/511 IPC, 1860), registered at Police Station Jhojhu

Kalan, District Charkhi Dadri and all the consequential proceedings arising

therefrom, on the basis of compromise.

On 10.12.2021, parties were directed to appear before the

Trial Court/Illaga 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 10.12.2021, learned Additional Sessions Judge, Charkhi Dadri has recorded the statements of the parties and submitted its report dated 27.01.2022, the relevant para whereof reads as under:-

“The report as desired is submitted as under:-

- i) In the present case, initially the complaint was made against four persons, namely, Vicky son of Satender, Manoj son of Ranbir Singh, Munni wife of Satender and Reena wife of Manoj, residents of Mahendergarh. On the basis of complaint/FIR was registered. Accused Vicky, Manoj and Reena were challaned, whereas accused Munni wife of Satender was exonerated by the police during the course of investigation. As such, at present, except accused Vicky, Manoj and Reena, there is no other accused facing trial in the present case;*
- ii) None of the accused was declared a proclaimed offender in this case or any other case;*
- iii) From the statements of the parties, the compromise appears to be genuine, voluntary and without any misrepresentation, coercion or undue influence;*
- iv) Though, all the accused persons alleged that no other case is pending against them, but as per the report of the concerned police official, a criminal case arising out of FIR No. 307 dated 28.06.2020, under Section 279/337 IPC, PS City, Mahendergarh is pending adjudication against accused Vicky son of Satender; against accused Manoj a case arising out of FIR No.266 dated 08.10.2006, under Sections 148/149/323/447 and 506 IPC was registered at Police Station Rewari, but the case has been disposed of and no case is stated to be pending against accused Reena .”*

Learned counsel for the petitioners contend that the matrimonial

dispute has been amicably settled between the parties. 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. Petitioner No.1 has withdrawn the petition under Section 9 of Hindu Marriage Act and the entire amount of permanent alimony has also been paid to respondent No.2.

Learned counsel for respondent No.2 has stated that she 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 between the relatives 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. 60 dated 28.03.2020 under Sections 323/34/354/406/498-A/506 IPC, 1860 (later on added Sections 376/511 IPC, 1860), registered at Police Station Jhojhu Kalan, District Charkhi Dadri 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.

04.04.2022
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(VIVEK PURI)
JUDGE

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