

AKSHANSH AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Neeraj Yadav, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Prashant S. Chauhan, 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. 215 dated 28.05.2021 under Sections 342/406/498-A/506 IPC, 1860 registered at Police Station Baldev Nagar, Ambala, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 17.12.2021, 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 17.12.2021, learned Judicial Magistrate 1st Class, Ambala has recorded the statements of the parties and submitted its report dated 01.02.2022, the relevant para whereof reads as under:-

“ In view of the joint statement made by the parties and statement of Investigating Officer SI Lal Chand, No. 130, P.S. Baldev Nagar, this Court is of the view that parties have got their statement recorded voluntarily without any undue influence or coercion. As per the joint statement of parties, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Further, there are two accused namely Akshansh and Shashi in the present case bearing FIR No. 215 dated 28.05.2021 under Sections 342/406/498-A and 506 of IPC, P. S. Baldev and moreover, the accused have never been declared as proclaimed offenders/persons. Criminal Ahlmad is directed to send the report along with original joint statement of parties and statement of IO concerned to the Hon’ble High Court after retaining the second original copy of the joint statement as well as statement of IO concerned on the judicial file. ”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicable settled between the parties. Petitioner No.1 and respondent No.2 are happily residing together in the matrimonial house.

Learned counsel for respondent No.2 has stated 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. 215 dated 28.05.2021 under Sections 342/406/498-A/506 IPC, 1860 registered at Police Station Baldev Nagar, Ambala 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.

22.03.2022
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(VIVEK PURI)
JUDGE

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