

252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52896-2021
Date of Decision: 31.03.2022

JITENDER KHATTAR AND ANOTHER ... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Baljeet Beniwal, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Kartik, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 0414, dated 10.10.2018, under Sections 323, 377, 406, 498-A and 506 IPC, registered at Police Station Faridabad, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 24.01.2022 notice of motion was issued and the parties were directed to appear before the Trial Court 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 of the compromise.

In compliance of the order dated 24.01.2022, learned Judicial Magistrate First Class, Faridabad has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“In compliance of the order dated 24.1.2022

passed by Hon'ble High Court of Punjab & Haryana, the point wise replies to the queries are submitted hereinunder:-

Query No. 1:- Number of persons arrayed as accused in the FIR?

Submission:- As per the statements of the investigating officer - SI Kesh Ram - there are total six accused in the present case - Jitender, Seema, Baldev, Urvashi, Rajnish Khungar & Rujira Vasikaran, but barring – Jitender Khatter and Seema Khatter, all the designated accused of the FIR were exonerated by the IO in the course of the investigation.

Query No. 2:- Whether any accused is declared as proclaimed offender?

Submission:- As per the statements of the investigating officer - none of the accused has been declared as proclaimed offender so far.

Query No. 3:- Whether the compromise is genuine, voluntary and without any coercion or undue influence?

Submission:- Apropos of this query, with profound deference, I may take the liberty of submitting - that on being individually enquired by the undersigned about the voluntary nature of the compromise, the accused/petitioners (Jitender Khatter and Seema Khatter), the complainant/respondent no. 2 (Poonam Sachdeva), have candidly stated that the matter has been amicably settled between them without any contaminating influence exercised by any one of them; and it was only after getting satisfied about its voluntary nature, the statements of the parties were recorded, the original copy of the same are attached herewith for the kind perusal of your honour.

Query No. 4:- Whether the accused persons are involved in any other case or not?

Submission:- As per the statements of the investigating officer - none of the accused persons is involved in any other case.

Query No.5:- The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR?

Submission:- As per the statement of IO, there is only one complainant/victim namely Poonam Sachdeva in the present FIR.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties. The petitioner No.1 and respondent No.2 have already instituted a petition under Section 13-B

wherein statements of the parties at the stage of first motion have already been recorded. The petitioner No.1 shall pay the amount of permanent alimony in terms of the Memorandum of Understanding, Annexure P-2.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (Annexure P-2). The compromise is without any pressure and is 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***.

Accordingly, the present petition is allowed and FIR No. 0414,

dated 10.10.2018, under Sections 323, 377, 406, 498-A and 506 IPC,

registered at Police Station Faridabad and all the consequential proceedings arising therefrom are quashed qua the petitioners.

31.03.2022

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No