

CRM-M-46252-2019
Date of Decision: 28.09.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Ms. Gursimran Singh Bawa, Advocate for
Mr. Santosh Kumar Yadav, Advocate
for respondent No.2.

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Through instant petition, the petitioners are seeking to quash the FIR No.461 dated 11.09.2018 under Sections 34/354-A/377/406/498-A/506 IPC registered at Police Station Thanesar Sadar, District Kurukshetra and all the consequential proceedings arising therefrom on the basis of compromise.

On 30.10.2019, the parties were directed to get their statements recorded before the learned trial Court/Illaq Magistrate.

In compliance of the order dated 30.10.2019, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Kurukshetra, has sent the report and the relevant portion whereof reads as under:-

“In view of the statement of the parties, this court is satisfied that parties have voluntarily entered into the compromise which is in the interest of parties and would bring the harmony and peace between the parties. The said compromise/settlement is genuine and is not result of any pressure or coercion in any manner.

Further, it is reported that four persons have been arrayed as accused in the present FIR and no one has been declared as proclaimed offender. Further trial/proceedings of the present case is at the stage of prosecution evidence.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 18.02.2018 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation Centre of this Court in terms of the settlement/agreement contained at Annexure P-2. 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 the Hindu Marriage Act in terms of the judgment and decree dated 27.05.2020 passed by the learned Family Court, Kurukshetra. All other pending cases have been withdrawn and no other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that she has no objection if the 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. 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.461 dated 11.09.2018 under Sections 34/354-A/377/406/498-A/506 IPC registered at Police Station Thanesar Sadar, District Kurukshetra and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

28.09.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No