

ANKIT KHURANA AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mohan Singh Chauhan, Advocate
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

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. 421 dated 14.05.2019, under Sections 323/406/498-A IPC 1860, registered at Police Station Karnal City, District Karnal and all the consequential proceedings arising therefrom, on the basis of compromise.

On 25.11.2019, 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 25.11.2019, learned Additional Chief Judicial Magistrate, Karnal has recorded the statements of the parties and submitted its report dated 15.02.2020, the relevant para whereof reads as under:-

*“ I have the honour to submit that in compliance
of order dated 25.11.2019 of Hon’ble High Court*

passed in aforesaid petition, complainant Twinkle Sharma appeared on 10.01.2020 and she stated in writing that she has compromised the matter with accused and she has no objection in case FIR in question is quashed. She was identified by Sh. Gaurav Kant Sharma, Advocate. Please find enclosed herewith copy of that statement as Annexure-I. Thereafter, accused Ankit Khurana, Gushan Lal Khurana and Sangeeta Khurana appeared on 28.01.2020 and stated in writing that they have compromised the matter with complainant Twinkle Sharma and FIR may be quashed. They were identified by Sh. Naresh Kumar, Advocate. Copy of that joint statement is Annexure-II. In compliance of the order of Hon'ble High Court, undersigned called report from concerned police station and as per that report information on the required points as follows:

- 1. As per police report, there is no other accused other than the petitioners as arrayed in the petition.*
- 2. As per police report, there is no other complainant or affected/aggrieved party other than the respondents as arrayed in the petition."*

Although, the learned Illaqa Magistrate/trial Court was directed to submit the report with regard to the authenticity and genuineness of the compromise after recording the statements of all the affected parties but the report on that aspect has not been submitted. However, the report has been submitted on the other aspects as sought by this Court. The learned Additional Chief Judicial Magistrate has also annexed the copies of the statements of the parties recorded by him. The statement of respondent No.2 indicates that she has categorically stated that a compromise has been effected in the matter without any fear, pressure or external influence. Respondent No.2 has further categorically stated that she has no objection if the FIR is quashed. The perusal of the statements are indicative of the fact that the parties have voluntarily entered into a compromise

without any fear, pressure and external influence.

Learned counsel for the petitioners contends that the matrimonial dispute has been amicably settled between the parties. Amount of permanent alimony has been paid to respondent No.2. The marriage between petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of judgment/decreed dated 10.01.2020 passed by the Family Court, Karnal.

Learned counsel for respondent No.2 has admitted the fact of compromise and 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,

registered at Police Station Karnal City, District Karnal and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioners only.

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

02.03.2022
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(VIVEK PURI)
JUDGE

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