

CRM-M-54297-2019(O&M)

Date of decision: 10.11.2022

VIJAY KASHYAP

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Krishan M. Vohra, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Respondent No.2 in person.

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.45 dated 23.07.2018 under Section 498-A IPC, registered at Women Police Station, Panchkula, Haryana and all the consequential proceedings arising therefrom, on the basis of compromise.

On 19.12.2019, 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 19.12.2019, learned Judicial Magistrate 1st Class, Panchkula has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

- “(i) In the present case, there is only one accused namely Vijay Kashyap arrayed as accused in FIR.
(ii) In the present case, no accused has been declared

proclaimed offender.

(iii) The case is fixed for recording the statement of accused under Section 313 Cr.P.C.

(iv) As per opinion of the court, the compromise has been effected between the parties out of their free will and consent and the said compromise happens to be a genuine, voluntary and without any coercion or undue influence.

In the light of the on oath statements of the parties and personal hearing given to them by the court, undersigned is of the opinion that compromise has been entered between the parties due to their free will and consent and the said compromise happens to be genuine, voluntary and without any coercion or undue influence.”

Learned counsel for the petitioner contends that the FIR was registered against the petitioner and his four other relatives. However, during the course of investigation, the other relatives were found innocent and the challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 30.05.2015 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 05.08.2022 passed by the learned Family Court Panchkula. The petitioner has paid a sum of Rs.3,00,000/- to respondent No.2 on account of permanent alimony. Respondent No.2 has also received all her articles of *Istir Dhan*. No other case pending between the parties.

Respondent No.2 has appeared in person and placed on record the copy of Adhar Card, which is taken on record and 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
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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.45 dated 23.07.2018 under Section 498-A IPC, registered at Women Police Station, Panchkula, Haryana all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

10.11.2022
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(VIVEK PURI)
JUDGE

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