

ANISH MALIK AND ORS.

VERSUS

...PETITIONERS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

4. In compliance of the order dated 21.08.2023, learned Judicial Magistrate 1st Class, Faridabad has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

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I attest to the accuracy and
integrity of this document

(2) No accused persons have been declared a Proclaimed Offender/absconding.

(3) The compromise between the parties is genuine, voluntary and without any coercion or undue influence.

(4) No accused persons are involved in any other case.

(5) As per the statement of IO, there is only victim/complainant in the FIR and the victim and complainant is the same person.”

5. Learned counsel for the petitioners contend that marriage of petitioner No. 1 was solemnized with respondent No. 2 on 21.11.2016, but no child has been born from the wedlock. Matrimonial dispute has been amicably settled between the parties and petitioner No. 1 shall pay a sum of Rs. 7 lac to respondent No. 2 on account of permanent alimony. Marriage of the petitioner No. 1 and respondent No. 2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act vide judgment and decree dated 07.02.2023 passed by learned Family Court Faridabad. Respondent No. 2 has received all her articles of stree dhan and nothing is due payable to her by the petitioner. No other case is pending between the parties.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

7. 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.

8. The controversy in the instant case does not indicate that the same

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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.

9. For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

10. 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.951 dated 14.12.2018 under Sections 323/406/498-A/506 IPC, registered at Police Station Sector-8, District Faridabad and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

22.11.2023

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(VIVEK PURI)
JUDGE

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