

CRM-M-23979-2023
Date of Decision: 15.12.2023

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Sanjiv Kumar Brar, Advocate for
Mr. Jasmer Singh Rozera, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. Petitioners are seeking to quash the FIR No.0159 dated 27.04.2017 under Sections 34/406/498-A/506 IPC registered at Police Station Hathin, District Palwal and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 30.10.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 30.10.2023, the statements of the parties have been recorded and the learned Addl. Civil Judge (Sr. Division), Hathin has sent the report and the relevant portion whereof is reproduced here-in-below:-

“i). Number of persons arraigned as accused in FIR:

As per statement of the Investigating Officer HC Waheed Khan, PP Mindkola, PS Hathin, only 2 accused persons 1. Lalit son of Dalip & Maya Devi wife of Dalip, are arraved as accused in this FIR.

ii) Whether any accused is proclaimed Officer;

As per statement of the Investigating Officer HC Waheed Khan, PP Mindkola, PS Hathin, None of accused is proclaimed offender.

iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence;

Compromise appears to be genuine, voluntarily and out of free will, without any influence, pressure or coercion and has taken place between the parties and they have removed ill will against each other and for the sake of peace and harmony of their family, both the parties want to live without having any animosity against each other and requested for quashing FIR.

iv) Whether the accused persons are involved in any other case or not;

As per statement of the Investigating Officer HC Waheed Khan, PP Mindkola, PS Hathin, following one case has been registered or pending against the accused Lalit:

FIR No. 407/2017 u/s 12-9-55 Gambling Act PS INDL Area Phase-1, New Delhi

No case is pending against Maya Devi.

v) The Trial Court is directed to record the statement of Investigating Officer as to how many victims/complainant are there in the FIR:

As per statement of the Investigating Officer HC Waheed Khan, PP Mindkola, PS Hathin, only Mithlesh Kumari is victim/complainant in this case.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 12.11.2016 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. 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 in terms of judgment and decree dated 01.09.2023 passed by the learned Family Court, Palwal (Camp at Hathin). A sum of Rs.2,30,000/- has been paid to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of *istridhan* and nothing is due payable to her by the petitioners. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

6. 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

and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

7. 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.

8. 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*.

9. 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.0159 dated 27.04.2017 under Sections 34/406/498-A/506 IPC registered at Police Station Hathin, District Palwal and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

15.12.2023
smriti

(VIVEK PURI)
JUDGE

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