

MUNISH VAIDYA AND OTHERS

... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gursher Singh Dhillon, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG Haryana.

Mr. Sukhcharan Singh Gill, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 977 dated 07.09.2019, under Sections 406 and 498-A IPC (Sections 323, 506 and 34 IPC added later on), registered at Police Station City Thanesar, District Kurukshetra and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 26.07.2023, the parties were directed to appear before the Trial Court 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 of the compromise.

3. In compliance of the order dated 26.07.2023, learned Chief Judicial Magistrate, Kurukshetra has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1) Number of persons arrayed as accused in FIR.

As per statement of Investigating Officer there are three accused persons arraigned in the FIR.

2) Whether any accused is proclaimed offender.

No.

3) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

The compromise entered between the parties is genuine and is not result of any pressure or coercion in any manner.

4) Whether the accused persons are involved in any other case Or not.

No.

5) The trial Court is also directed to record the statement of the Investigating Officer as to how many victim/complainants are there in the FIR.

As per statement of W/ASI Sapna, there are only one complainant/victim in the present FIR.”

4. Learned counsel for the petitioners contend the FIR was registered against the petitioners and two other relatives, who were found innocent during the course of investigation and challan has been presented only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 12.03.2009 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-3). The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent. The entire claim of respondent No.2 for permanent alimony any *Istridhan* has been settled. The custody of the minor son shall remain with respondent No.2. The petitions under Section 9 of the Hindu Marriage Act, Section 25 of Guardians and Wards Act, Section 125 Cr.P.C. and the complaint under Section 12 of Protection of Women from Domestic Violence Act have been withdrawn. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 of the Court, by way of compromise. The compromise is without any pressure and is 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. Accordingly, the present petition is allowed and FIR No. 977 dated 07.09.2019, under Sections 406 and 498-A IPC (Sections 323, 506 and 34 IPC added later on), registered at Police Station City Thanesar, District Kurukshetra and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

23.11.2023

Janki

(VIVEK PURI)
JUDGE

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