

VISHAL KUMAR

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chaman Deep, Advocate for
Mr. I.S.Pabla, Advocate for the petitioner.
Mr. Surinder Kumar Dagar, DAG Haryana.
Mr. N.C. Kinra, 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. 12 dated 08.02.2020, under sections 323, 406, 498-A IPC registered at Women Police Station, Panchkula and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 13.12.2022, 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 13.12.2022, learned Judicial Magistrate First Class, Panchkula has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“ASI Sunita No. 41, Police Station Chandimandir appeared before the court and suffered a statement to the effect that she is the Investigating Officer of FIR bearing no. 12, dated 08.02.2020, under Sections 323, 406, 498-A IPC, P.S. Women, Panchkula. The FIR was registered against five accused namely Vishal Kumar, Balbir Singh, Mantari Devi, Vikas and Sarla Devi. However, challan was presented by police only

against Vishal Kumar. No other accused or party has been involved in the present case. Accused has not been declared proclaimed offender. No other criminal case is pending against accused as per my knowledge. There is only one victim/complainant namely Ramandeep Kaur in this case. The matter has been compromised between complainant Ramandeep Kaur and accused Vishal Kumar.

In light of the on oath statements of the parties and personal hearing given to them by the court as well as the statement of investigating officer, the report is submitted that

- (i) Five persons were arraigned as accused in FIR.
- (ii) Accused has not been declared proclaimed offender in the present case.
- (iii) The compromise is genuine, voluntary and without any coercion or undue influence,
- (iv) Accused is not involved in any other case.
- (v) Statement of Investigating Officer has been recorded. As per the statement of Investigating Officer, there is only one victim/complainant namely Ramandeep Kaur in this case.”

4. Learned counsel for the petitioner contends that the FIR was registered against the petitioner and 4 other relatives. However, the other relatives have been found innocent and the challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 03.12.2016 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in Mediation and Conciliation Center, Panchkula in terms of compromise, Annexure P-2. 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 the Hindu Marriage Act in terms of the judgment and decree dated 04.04.2022 passed by the Family Court, Panchkula. A sum of Rs. 5,50,000/- has been paid to respondent No.2 on account of permanent alimony. The other cases pending between the parties have been withdrawn.

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.12 dated 08.02.2020, under sections 323, 406, 498-A IPC registered at Women Police Station, Panchkula and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

12.09.2023

Janki

(VIVEK PURI)
JUDGE

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