

CRM-M-47121-2023
Date of decision: 15.12.2023

...PETITIONERS

...RESPONDENTS

5. In compliance of the order dated 07.11.2023, learned Judicial

CRM-M-47121-2023

-2-

Magistrate 1st Class, Faridabad has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“The complainant Rajni Kumari and accused persons namely Pradeep, Ram Jagat, Urmila and Kanchani have suffered their statements that they have settled their disputes amicably with the interference of elders and respectable persons of the society. They further stated that they have entered into compromise with their sweet will, without any fear, coercion or pressure from anyone. They further stated that they have never been declared PO and no such proceedings are pending against them before any competent Court of law. Both sides were duly identified by their respective Counsels.

I asked the parties regarding compromise. They stated at bar, in consonance with their statements, that they have settled their dispute by entering into compromise which is acceptable to both of them voluntarily and without any pressure, with intervention of respectable persons of society. They further stated that all their disputes have been put to rest and they have no grudge against each other. The complainant Rajni Kumar further stated that she has no objection if the proceedings of this case qua accused are quashed by Hon'ble High Court.

As per statement of Investigating Officer SI Satpal Singh, initially FIR was registered against four accused namely Pradeep, Ram Jagat, Urmila and Kanchan. Later on, after the investigation, name of three accused namely Ram Jagat, Urmila and Kanchan were omitted by ACP Mujesar and challan was filed only against accused Pradeep.

As per statement of Investigating Officer SI Satpal Singh, no PO proceedings are pending against any of the party. This Court is of the considered view that the compromise appears to be genuine and has been reached voluntarily, without any pressure or undue influence between the complainant namely Rajni Kumar and accused persons namely Pradeep, Ram Jagat, Urmila and Kanchan and they have made their statements voluntarily and without any threat, inducement, coercion or undue influence. Hence, the compromise is genuine and voluntary.

As per joint statement of accused persons, they are not involved in any other case.

As per statement of Investigating Officer SI Satpal Singh,

only one complainant namely Rajni is there in the FIR.”

6. Learned counsel for the petitioners contend that during the course of investigation, petitioner Nos.2 to 4 have been found to be innocent and challan has been presented only against petitioner No.1. Accordingly, he seeks to petition qua petitioner Nos.2 to 4. Ordered accordingly.

7. Learned counsel for the petitioner contends that the marriage of petitioner No.1 was solemnized with respondent No.2 on 16.06.2010 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise. 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 of Hindu Marriage Act in terms of the judgment and decree dated 23.10.2023 passed by the learned Family Court, Faridabad. A sum of Rs.4 Lakhs has been paid by petitioner No.1 to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of Istridhan and nothing else is due payable to her from the petitioners. No other case is pending between the parties.

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

9. 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.

CRM-M-47121-2023

-4-

10. 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.

11. 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*.

12. 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.265 dated 26.05.2016 under Sections 498-A/406/323/506 IPC, registered at Police Station Mujesar, District Faridabad and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioner No.1 only.

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

15.12.2023

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(VIVEK PURI)
JUDGE

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