

submitted the report, the relevant para whereof reads as under:-

“1. Number of persons arrayed as accused in FIR:-

As per the statement of Investigating Officer, there is one accused in the present.

2. Whether any accused is proclaimed offender:-

As per the report of Investigating Officer, accused has never declared proclaimed offender in this case.

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

In the view of the aforesaid facts and statement of complainant qua compromise I am of the considered view that the compromise effected between the parties appears to be without any threat or pressure from either side and is made out of free volition of the parties. Whether the accused persons are involved in any other case or not:-

As per the report of Investigating Officer, accused persons are not involved in any other case.

5. The trial court is directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR:-
As per the statement of Investigating officer, there is only one Complainant/victim in the present FIR.

6. The requisite report, along with the original statement of parties, is being submitted as desired.”

5. Learned counsel for the petitioner contends that the FIR was registered against the petitioner and other family members, who were found innocent during the course of investigation and the challan has been presented only against the petitioner. Furthermore, the offence under Section 354-A IPC has been deleted. The marriage of the petitioner was solemnized with respondent No.2 on 25.07.2015, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of settlement-cum-memo of understanding, Annexure P-2. The petitioner shall pay a sum of Rs.41 lac to respondent No.2 on account of permanent alimony.

The petitioner and respondent No.2 have instituted a petition under Section 13-

the learned Family Court, Faridabad, wherein statements of the parties at the stage of first motion have been recorded. A sum of Rs.14 lac has already been paid and the balance amount of Rs.27 lac shall be paid when the statement of the parties is recorded at the stage of second motion. Respondent No.2 has received all her articles of istridhan and nothing else is due payable to her by the petitioner. Respondent No.2 shall withdraw the application under Section 125 Cr.P.C and the application under Section 12 of the Protection of Women from Domestic Violence Act.

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 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***, upheld 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.61 dated 26.06.2020 under Sections 498-A, 323, 354-A, 406 and 506 IPC, registered at Police Station Women Old Faridabad, 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.

20.11.2023

neeraj

(VIVEK PURI)
JUDGE

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