

CRM-M-49173-2023
Date of decision: 15.12.2023

...PETITIONER

STATE OF HARYANA AND ANR.

...RESPONDENTS

Present: Mr. Gaurav Gupta, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Gaurav Singla, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.181 dated 04.10.2020 under Sections 406/498-A/323 IPC, 1860 and (Section 34 IPC, 1860 deleted later on), registered at Women Police Station NIT, District Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 08.11.2023, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 08.11.2023, learned Judicial

CRM-M-49173-2023

-2-

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

“I) Number of accused persons arraigned as accused in FIR;

Report: As per statement of SHO, the present FIR was lodged on the complaint of Smt. Rakhi against the accused Rajesh Uniyal and Jagdamba Devi. During investigation, accused Jagdamba Devi was found innocent. Challan against the accused Rajesh Uniyal was filed.

II) Whether any accused is proclaimed offender;

Report: As per statement of SHO the accused is not declared proclaimed offender.

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

Report: In the considered opinion of the undersigned, the compromise so effected is for the amicable settlement of the dispute and was effected without any external pressure, coercion or force and is a valid compromise.

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

Report: As per statement of SHO that as per their record, accused is not involved in any other case.

V) The trial Court is also directed to record the statement of Investigating Officer as to how many victims/complaints are there in the FIR;

Report: As per statement of SHO, Smt. Rekha is the complainant/victim in this case.”

5. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 19.05.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. 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 Hindu Marriage Act in terms of judgment and decree dated 26.10.2023 passed by the learned Family Court, Faridabad. A sum of Rs.3,25,000/- has been paid on account of permanent alimony to respondent No.2. Respondent No.2 has received

CRM-M-49173-2023

-3-

all her articles of *Istri Dhan* and nothing else due payable to her. No other case is pending between the parties.

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***, approved 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.181 dated 04.10.2020 under Sections 406/498-A/323 IPC, 1860 and (Section 34 IPC, 1860 deleted later on), registered at Women Police Station NIT, District Faridabad and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

CRM-M-49173-2023

-4-

11. 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