

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

278

CRM-M-9000-2019 (O&M)

Date of decision: 09.07.2019

Gaurav Mehta and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vaibhav Mittal, Advocate
for the petitioners.

Mr. Vikramjit Singh, Addl. AG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

The petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.15 dated 19.04.2014 registered under Sections 498-A, 406, 506, 377, 323, 354, 34 of the Indian Penal Code (for short 'IPC'), at Police Station Women Cell, District Sonapat and the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Notice of motion was issued.

In compliance of the order dated 25.04.2019 passed by this Court, the parties got their statements recorded before the learned trial Court. Consequently, a report dated 03.07.2019 sent by the Judicial Magistrate Ist Class, Sonapat, has been received which is available on record of the case along with the statement of the parties. Learned Judge

has reported that the parties have made their statements voluntarily and without any pressure. The compromise arrived at between the parties has been found to be a genuine one.

Learned counsel for the petitioners as well as learned counsel for the State are ad idem that none of the petitioners is proclaimed offender.

After hearing learned counsel for the parties and after 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 an out of Court settlement by way of compromise (Annexure P-2). 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.

Although, the offence under Section 377 of the Indian Penal Code which falls under the category of heinous crime has also been alleged against the petitioner, however, since the dispute is arising out of matrimonial dispute and the parties have entered into a settlement and their statements have been recorded and they have also sought divorce by mutual consent in which statement at the time of first motion has been recorded, therefore, this Court is of the opinion that FIR can be quashed in view of the settlement.

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.

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.15 dated 19.04.2014 registered under Sections 498-A, 406, 506, 377, 323, 354, 34, IPC, Police Station Women Cell, District Sonapat and the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

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

09.07.2019
D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No