

PRAJIT SHARDA

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Parashar, Advocate  
for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Gitesh Sharma, Advocate  
for respondent No.2.

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VIVEK PURI, J. (ORAL)

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. 160 dated 11.08.2016 under Sections 406/498-A IPC, registered at Women Police Station, District Gurugram, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 06.10.2021, 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.

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.

In compliance of the order dated 06.10.2021, learned Judicial Magistrate 1<sup>st</sup> Class, Gurugram has recorded the statements of the parties and submitted its report dated 18.11.2021, the relevant para whereof reads as under:-

*“In compliance of order dated 06.10.2021 in CRM-M-42001-2021 passed by the Hon’ble Punjab and Haryana High Court, I have the honor to submit the statement of compromise of the complainant and the accused recorded before the under signed on 03.11.2021 in the presence of Ld. Counsel for the parties. I ensured that the parties compromised their dispute voluntarily and without any undue influence or pressure.*

*It is further submitted that:-*

- a. Total one accused namely Prajit Sharda was charge-sheeted.*
- b. Only one person is complainant namely Ashmita Sharda.*
- c. the accused is not a proclaimed person.*
- d. No other criminal case is stated to be pending against the accused.*
- e. The compromise between the parties is voluntarily, without any coercion or undue influence. The complainant and accused have made statement regarding compromise.”*

It has been stated that the matter has been amicably settled between the parties and a compromise has been effected between them. The parties have also instituted a petition under Section 13-B of Hindu Marriage Act, 1955 for dissolution of marriage by mutual consent, wherein the statements of the parties at the stage of first motion have already been recorded.

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.

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***.

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. 160 dated 11.08.2016 under Sections 406/498-A IPC, registered at Women Police Station, District Gurugram and all the consequential 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.

06.12.2021  
*renubala*

**(VIVEK PURI)**  
**JUDGE**

|                            |               |
|----------------------------|---------------|
| Whether speaking/reasoned: | Yes/No        |
| <b>Whether reportable:</b> | <b>Yes/No</b> |