

295 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3833-2022
Date of Decision: 29.09.2022

ALOK KAUSHIK @ ALOK VASHISHT AND OTHERS
... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER
... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K. Yadav, Advocate for the petitioners.
Mr. Karan Garg, AAG Haryana.
Mr. M.S.Randhawa, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 99 dated 10.08.2019 registered under Sections 498-A, 323, 343, 406, 506 and 34 of the IPC, 1860 at Police Station Women Narnaul, District Mahendergarh and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 10.02.2022, the parties were directed to appear before the Trial Court 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 of the compromise.

In compliance of the order dated 10.02.2022, learned Judicial Magistrate 1st Class, Narnaul has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“It is further pertinent to mention that on 16.03.2022 complainant Yogita Kaushik, duly

identified by Sh. Diwakar Sharma, Advocate along with above named accused Alok Kaushik, duly identified by Sh. Arvind Yadava, Advocate appeared and made joint statement before the court regarding compromise, in pursuance of above noted order of Hon'ble High Court. Accordingly, joint statement of complainant and accused, who were duly identified by their counsels were recorded wherein it was submitted by complainant as well as accused that they have compromised the matter without any coercion and pressure and they have also filed divorce petition with mutual consent under Section 13-B HMA. Statement of 1st motion has already been recorded. They do not want to continue the criminal proceedings pending against each other. They have no objection if Hon'ble High Court quashes the FIR. This compromise is genuine, Voluntarily and without coercion or undue influence. In the given circumstance, the compromise reached between the complainant Yogita Kaushik and accused Alok Kaushik appears to be genuine, voluntary and without any coercion or undue influence.

Thereafter, in further compliance of the Hon'ble High Court order, Investigating Officer of this case namely ASI Rajwanti was summoned and I have recorded her statement for the information as sought by Hon'ble High Court. Investigating Officer ASI Rajwanti submitted that initially, there were three accused in the FIR namely, Alok Kaushik, Balkishore and Geeta but only one accused namely Alok Kaushik was charge-sheeted in Final Police Report. Accused is not proclaimed offender and not involved in any other FIR. There is one victim/complainant Yogita in FIR and all the victim/complainant as well as accused are party in the compromise in question.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 08.02.2011 but no child has been born from the wedlock. Initially, the FIR was registered against all the three petitioners, however, during the course of investigation, the petitioner Nos. 2 and 3 were found to be innocent and challan has been presented only against petitioner No.1. The matrimonial dispute has been

The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 16.05.2022 passed by the learned Family Court, Narnaul. A sum of Rs. 13 Lakhs has been paid on account of permanent alimony to respondent No.2. No other case is pending between the parties. It has been further submitted that petitioner nos. 2 and 3 have been declared to be innocent, the petition qua them be dismissed as withdrawn.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

After hearing 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 (Annexure P-2). The compromise is without any pressure and is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

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.

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***.

Accordingly, the present petition is allowed and the petition qua petitioner Nos. 2 and 3 is dismissed as withdrawn and FIR No. 99 dated 10.08.2019 registered under Sections 498-A, 323, 343, 406, 506 and 34 of the IPC, 1860 at Police Station Women Narnaul, District Mahendergarh and all the consequential proceedings arising therefrom are quashed qua petitioner No.1 only.

29.09.2022

Janki

(VIVEK PURI)
JUDGE

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