

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6931-2022

Date of Decision: 28.04.2022

ANAND GUPTA

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. S.K.Tripathi, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Neeraj Saini, Advocate for
Ms. Aastha Sharma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No.0141 dated 16.07.2021 under Sections 498-A/323/406 and 506 IPC registered at Women Police Station, Ballabhgarh, District Faridabad on the basis of compromise.

On 18.02.2022, the parties were directed to get their statements recorded before the learned trial Court/Illaq Magistrate.

In compliance of the order dated 18.02.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Faridabad, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“As per the orders of Hon'ble Punjab and Haryana High

Court, the report sought on the specific points as under:-

<i>Name of complainant</i>	<i>Ms. Rachna Bhati</i>
<i>Name of persons arrayed as accused in the instant FIR</i>	<i>Anand Gupta son of Sh. Banwari Lal Gupta. However, other accused persons namely Sh. Banwari Lal Gupta and Smt. Mangla Devi wife of Sh. Banwari Lal Gupta were found innocent during investigation.</i>
<i>Whether any accused is declared a Proclaimed Offender</i>	<i>As per report filed by Investigating officer, there is no proclaimed person in the present case.</i>
<i>Whether the compromise is genuine, voluntarily and without any coercion or undue influence</i>	<i>Upon individual enquiry the complainant as well as all the accused, I am satisfied that the compromise arrived at between complainant on the one hand and accused on the other hand was voluntary & genuine.</i>
<i>Whether the accused persons are involved in any other case or not</i>	<i>As per statement of the IO, accused is not involved in any other criminal case except the present one.</i>
<i>As to how many complainant/victims are there in the FIR</i>	<i>There is only one complainant/victim in the present FIR.</i>

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise/settlement contained at Annexure P-2. The petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent, wherein, the statements of the parties at the stage of first motion have been recorded. The parties have withdrawn the other respective cases instituted against each other and at present no other case is pending between the parties except the petition under Section 13-B of the Hindu Marriage Act.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and has stated that he has no objection if the 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. 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.

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*.

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.0141 dated 16.07.2021 under Sections 498-A/323/406 and 506 IPC registered at Women Police Station, Ballabhgarh, District Faridabad on the basis of compromise is ordered to be quashed, however, qua the petitioner only.

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

28.04.2022
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(VIVEK PURI)
JUDGE

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