

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-12476-2021

Date of decision: 13.12.2022

GAURAV DHAWAN AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ivneet Singh Pabla, Advocate for the petitioners.

Mr. Gaurav Gurcharan Singh Rai, Addl. AG, Punjab.

Mr. Neeraj Yadav, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.302 dated 20.06.2019 under Sections 323/406/498-A IPC (Section 377 IPC added later on), registered at Police Station Pehowa, District Kurukshetra and all the consequential proceedings arising therefrom, on the basis of compromise.

On 19.03.2021, 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 19.03.2021, learned Judicial Magistrate 1st Class, Pehowahas recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“In view of the statements of the complainant and accused persons, this Court is of the considered opinion, that the complainant and the accused have effected the

compromise voluntarily and without any pressure and coercion and the compromise arrived between the parties is genuine. As per the report of Investigating Officer/ASI Mahan Pal, the accused persons namely Gourav Dhawan and Geeta are only accused named in the present FIR against whom challan has been submitted after investigation. No other FIR is registered against them.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 31.03.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 26.09.2020 (Annexure P-2). The marriage of petitioner No.1 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 01.04.2021 passed by the learned Family Court Kurukshetra (Camp at Pehowa). A sum of Rs.14,00,000/- has been paid on account of permanent alimony to respondent No.2. No other case is pending between the parties.

Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

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.

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.302 dated 20.06.2019 under Sections 323/406/498-A IPC (Section 377 IPC added later on), registered at Police Station Pehowa, District Kurukshetra 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.

13.12.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No