

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

**CRM-20271-2022 in/and
CRM-M-13250-2021
Date of Decision: 01.06.2022.**

AMBUJ KHURANA AND ANR ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amit Singla, Advocate,
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

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

VIVEK PURI, J.(ORAL)

CRM-20271-2022

Through present application, the applicant/petitioners are seeking preponement of date of hearing in the main case.

Notice in the application.

Mr. Vikas Bhardwaj, AAG, Haryana, accepts notice on behalf of respondent No.1-State and Mr. Arjun Sharma, Advocate, accepts notice on behalf of respondent No.2.

By recording no objection from the counsel opposite, the main case is taken up on Board today itself.

Application is disposed of.

CRM-M-13250-2021

Through instant petition, the petitioners are seeking to quash the
FIR No.59 dated 16.05.2019 under Sections 323/34/406 and 498-A IPC

registered at Women Police Station, Gurugram, District Gurugram.

On 23.03.2021, the parties were directed to get their statements recorded before the learned Illaqa Magistrate.

In compliance of the order dated 23.03.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Gurugram, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(i) With regard to the compromise between the parties, it is respectfully mentioned that in view of the statement of all the parties, this Court is satisfied that the matter has been voluntarily compromised between the parties and the complainant has entered into a settlement with the accused persons out of her own volition and same is without any influence or coercion.

(ii) In respect of antecedent behaviour of criminal activity of the accused, it is submitted that the report of concerned IO L/HC Suman was received as per which there are no criminal antecedents of accused as no other FIR is registered against them.

(iii) In the present case total two accused persons are involved namely, Ambuj Khurana and Neelam Khurana.

(iv) As per the report of IO/LHC Suman, none of the accused was declared as proclaimed offender/person in the present case.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in the Mediation Centre, District Court, Gurugram. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent

in terms of judgment and decree dated 24.08.2020 passed by the Court of learned Principal District Judge, Family Court, Gurugram. Petitioner No.1 has paid a sum of Rs.4 lakhs to respondent No.2 on account of permanent alimony and furthermore, the proprietary rights in the flat have been transferred in her favour. The custody of minor child shall remain with respondent No.2 and petitioner No.1 shall have the visitation rights as per the terms of the settlement which has been effected in the mediation proceedings. No other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further 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.59 dated 16.05.2019 under Sections 323/34/406 and 498-A IPC registered at Women Police Station, Gurugram, District Gurugram is ordered to be quashed, however, qua the petitioners only.

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

01.06.2022
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(VIVEK PURI)
JUDGE

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