

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14188-2021

Date of Decision: 16.08.2022.

RUPESH FULCHAND LALWANI AND OTHERS

... PETITIONERS

VS.

STATE OF HARYANA AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Atul Yadav, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Jai Singh Yadav, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.145 dated 09.11.2019 under Sections 323/406 and 498-A IPC registered at Police Station Women West Gugrugram, District Gurugram on the basis of compromise.

On 19.04.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 19.04.2022, 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:-

“ 1.This court is convinced that the compromise between the complainant and the accused persons is genuine, voluntary and valid, as it is not the result of any undue influence or coercion. The complainant and the accused have

maintained uniformity in regard to the validity of compromise. The respective affidavits of the complainant and accused (Ex.C1, Ex.C3, Ex.C5, Ex.C7, Ex.C9, Ex.C11, Ex.C13, Ex.C15, Ex.C17, Ex.C19 and Ex.C21) on record further give momentum to the validity and authenticity of the compromise.

2. As regards the aspect as to whether any other person is involved in the occurrence, who is not a party to the petition before Hon'ble High Court, it is submitted that as per the record of the case file, there are ten persons, who were accused in the FIR of the present case namely Rupesh Fulchand Lalwani, Swaroopchand Hiralal Lalwani, Rajendra Manikchand Chhajed, Dilip Shantilal Ostwal, Fulchand Lalwani, Rajibai Lalwani, Yogesh Fulchand Lalwani, Sujan Hiralal Lalvani, Kanchan Ashok Dugad and Bharat Binjraj Gadiya Jain. Further, apart from complainant Manisha Rupesh Lalwani there is no other person who is involved in the present case. This has been supported by the affidavit and statement on oath of the complainant Manisha Rupesh Lalwani as well as the statement of I.O.

3. With respect to the point whether the accused persons are involved in any other criminal case, it is submitted that as per the statement of accused, their affidavits as well as the statement of I.O., the accused persons are not involved in any other case. ”

Learned counsel for the petitioners contend that after investigation, the challan has been presented only against petitioner No.1 and petitioners No.2 to 10 have been found to be innocent. Even this aspect has been reflected in the report of learned trial Court. Consequently, counsel

for the petitioners seek to withdraw the present petition qua petitioners No.2 to 10.

Ordered accordingly.

It has been further stated by learned counsel for the petitioners that the matrimonial dispute has been amicably settled between the parties. Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court, Gurugram, wherein statements of the parties at the stage of first motion have been recorded. Furthermore, petitioner No.1 shall pay a sum of Rs.6,75,000/- on account of permanent alimony to respondent No.2. A sum of Rs.3,37,500/- has already been paid and the balance amount of Rs.3,37,500/- shall be paid at the time of recording of statements at the stage of second motion and no other case is pending between the parties.

Learned counsel appearing 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.145 dated 09.11.2019 under Sections 323/406 and 498-A IPC registered at Police Station Women West Gugrugram, District Gurugram on the basis of compromise is ordered to be quashed, however, qua petitioner No.1 only.

Resultantly, with the above-said observations made, the instant petition qua petitioner No.1 stands allowed.

16.08.2022
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(VIVEK PURI)
JUDGE

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