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

**CRM-M-13126-2022
Date of Decision: 26.07.2022**

**DR. SAURABH PANDEY AND OTHERS ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. P.K.Hooda, Advocate for the petitioners.
Mr. Vikas Bhardwaj, AAG Haryana.
Mr. Govind Mor, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 114 dated 24.11.2021 under Sections 498-A, 406, 34 IPC registered at Police Station Women, Gurgaon, District Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 29.03.2022, 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 29.03.2022, learned Judicial Magistrate Ist Class, Gurugram has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. There are four accused arrayed in the present FIR however, charge sheet is filed only against three accused namely Saurabh Pandey, Shiv Prakash Pandey and Neeta Pandey.

2. Accused persons have stated that they have never been declared proclaimed offender in any case. Their version has been verified by IO concerned. Separate statement of the IO in this regard recorded.

3. In the view of the statement of complainant qua compromise, I am of the considered view that the compromise effected between the parties appears to be without any threat or pressure from either side and is made out of free volition of the parties.

4. Accused persons have stated that they are not involved in any other case. Their version has been verified by IO concerned. Separate statement of the IO in this regard recorded.

5. As per the Investigating Officer there is only one victim/complainant in the present FIR. Apart from her there is no other victim in the present FIR. Separate statement to this effect recorded. ”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties. The FIR was registered against the petitioners and Swati Pandey Sharma, sister of petitioner No.1, who has been found innocent during the course of investigation. The petitioner No.1 and respondent No. 2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court at Gurugram wherein statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs. 12 Lakhs on account of permanent alimony to respondent No.2 in terms of Memorandum of Understanding, Annexure P-2. No other case is pending between the parties.

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

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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 FIR No. 114 dated 24.11.2021 under Sections 498-A, 406, 34 IPC registered at Police Station Women, Gurgaon, District Gurugram and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

26.07.2022
Janki

(VIVEK PURI)
JUDGE

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