

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14063-2022
Date of Decision: 06.09.2022

ISHAN NANDA

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Punit Malik, Advocate for the petitioner.
Mr. Karan Sharma, DAG Haryana.
Ms. Jaspreet Kaur, Advocate for
Mr. Shokeen Singh Verma, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 62 dated 21.06.2021, under sections 323, 406, 498-A, 506, 34 IPC registered at Police Station Women, Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 12.05.2022, 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 12.05.2022, learned Judicial Magistrate 1st Class, Gurugram has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. Perusal of the complaint reflects that initially there were five accused arraigned in the

FIR. However, charge sheet was filed only against one accused namely Ishan Nanda.

2. Accused Ishan Nanda has stated that he has never been declared proclaimed offender in any case. His 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 has stated that he is not involved in any other case. His 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 namely Abhilasha Mohapatra in the present FIR. Separate statement to this effect recorded. ”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 07.12.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce under Section 13-B of the Hindu Marriage Act by mutual consent in terms of the judgment and decree dated 15.07.2022 passed by the learned Addl. Principal Judge, Family Court, Gurugram. The petitioner has paid a sum of Rs. 20 Lakhs on account of permanent alimony to respondent No.2. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she has no objection if the aforementioned 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 (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. 62 dated 21.06.2021, under sections 323, 406, 498-A, 506, 34 IPC registered at Police Station Women, Gurugram and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

06.09.2022

Janki

**(VIVEK PURI)
JUDGE**

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