

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

**CRM-M-19777-2022
Date of Decision: 29.09.2022**

**ASHISH MOUDGIL ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Shalender Mohan, Advocate for the petitioner.
Mr. Karan Garg, AAG Haryana.
Ms. Aarti Sharma, 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. 223 dated 23.04.2019 registered under Sections 323, 406, 498-A and 506 of the Indian Penal Code at Police Station Hisar Sadar, District Hisar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 10.05.2022, 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 10.05.2022, learned Judicial Magistrate 1st Class, Hisar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“In pursuance of the order of Hon'ble High Court dated 10.05.2022, it is humbly submitted that the compromise arrived at between the parties appears to be genuine, voluntary and without any

coercion or undue influence. As per statement of the complainant and records of the case, there is only one aggrieved party in the instant case namely complainant Sushila. Similarly, as per the statement of the Investigating Officer and records of the case, there is only one accused in the instant case namely, Ashish. Furthermore, as per the statement of the I.O and records of the case, no accused has been declared as proclaimed person in the instant case. As per the report of the I.O, no other criminal case has been registered against accused Ashish. ”

Learned counsel for the petitioner contends that the FIR was registered against the petitioner and his parents. However, the parents have been found innocent during the course of investigation and challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 11.11.2016 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, in terms of the judgment and decree dated 25.04.2022 passed by the learned Family Court, Hissar. A sum of Rs. 9 Lakhs has been paid on account of permanent alimony to respondent No.2. Respondent No.2 has withdrawn the petitions under Section 125 of Cr.PC and Protection of Women from Domestic Violence Act. 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. 223 dated 23.04.2019 registered under Sections 323, 406, 498-A and 506 of the Indian Penal Code at Police Station Hisar Sadar, District Hisar and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

29.09.2022

Janki

(VIVEK PURI)
JUDGE

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