

234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26908-2021 (O&M)

Date of Decision: 14.02.2022

Akshay Nanda

... Petitioner

v/s

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Abhilaksh Grover, Advocate for the petitioner.
Mr. Vikas Bhardwaj, AAG Haryana.
Ms. Monika Thakur, Advocate for respondent No.2.
*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

CRM-3478-2022

This is an application seeking preponement of the main case.

Learned counsel for the petitioner contends that the main case
is listed for today and the application has been rendered infructuous.

Dismissed as having been rendered infructuous.

Main case

Present petition under Section 482 Cr.P.C. is for quashing of
FIR No. 162 dated 27.12.2019 under Sections 498-A, 406, 34 IPC
registered at Police Station Women, Gurgaon and all the consequential
proceedings arising therefrom, on the basis of Memorandum of
Understanding (Annexure P-3).

On 15.07.2021 notice of motion was issued and on 10.09.2021
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 10.09.2021, learned Judicial Magistrate 1st Class, Gurugram has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“With respect to FIR No. 162 of 2019, PS Women, Sector 51, Gurgaon, vide order dated 10.09.2021 of Hon'ble Ms. Justice Jaishree Thakur of Hon'ble Punjab & Haryana High Court, the parties were directed to appear before the Trial Court/ Illaqa Magistrate for getting their statements recorded regarding the compromise reached between them. In furtherance of the said directions statements of parties viz of complainant Saloni and of accused Akshay Nanda were recorded. The parties were duly identified. It has been verified that both the parties have entered into compromise voluntarily and without any pressure. But, as per the complainant, the accused is deliberately not appearing before the Family Court for recording statement of second motion and that he be directed to appear before the Family Court. Further, statement of I.O. HC Sarita is also recorded to the effect that there is no PO proceeding pending against any of the party in present case. The copies of the statements and Order of this Court are attached herewith for onward transmission to the Hon'ble High Court.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties. It has been further

stated that statements of both the parties at the stage of second motion in the

petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent has been recorded on 11.01.2022. Learned counsel for respondent No.2 has acknowledged the aforesaid factual aspect and has categorically stated that respondent No.2 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-3). 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.

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. 162 dated 27.12.2019 under Sections 498-A, 406, 34 IPC registered at Police Station Women, Gurgaon and all the consequential proceedings arising therefrom are quashed qua the petitioner.

14.02.2022

Janki

**(VIVEK PURI)
JUDGE**

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