

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25380-2022 (O&M)

Date of Decision: 29.11.2022

KESHAV DUGGA

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Parvez Chugh, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Himanshu Joshi, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No. 75 dated 13.10.2020 under Sections 323/406/498-A/506 IPC registered at Women Police Station, Sector-51, Gurgaon, District Gurugram (offences under Sections 34/354-A/377 IPC cancelled in the Final Report under Section 173(2) Cr.P.C.) and all the consequential proceedings arising therefrom on the basis of compromise.

On 01.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 01.09.2022, the statements of the parties have been recorded and the learned Civil Judge (Jr. Divn.)-cum-Judicial Magistrate 1st Class, Gurugram has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In furtherance of the said directions statements of parties viz of complainant Srishti Duggal and of accused Keshav Duggal, duly identified were recorded. It has been verified that

both the complainant and accused have agreed to compromise voluntarily without any coercion or undue influence and the compromise entered into between the parties is genuine. Further, the statement of I.O. HC Krishna is also recorded to the effect that FIR was filed against three persons namely Geeta Duggal, Keshav Duggal & Mohanish Duggal, but during investigation, Geeta Duggal and Mohanish Duggal were found to be innocent and challan was submitted qua Keshav Duggal. The IO further stated that there is no PO proceeding pending against the accused in present case and that Shristi Duggal is the only complainant in the case.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 28.01.2016 but no child has been born from the wedlock. Initially, the complaint was submitted against the petitioner and his parents. During the course of investigation, the parents of the petitioner were found to be innocent. The offence under Sections 354-A/377 IPC have been deleted and the report under Section 173 Cr.P.C had been presented only against the petitioner with regard to the offence under Sections 323/406/498-A and 506 IPC. The matrimonial dispute has been amicably settled between the parties in terms of Memorandum of Understanding (MOU) dated 12.05.2022 (Annexure P-2). The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 07.06.2022 passed by the Court of learned Principal Judge, Family Court, New Delhi. A sum of Rs.81,00,000/- shall be paid to respondent No.2 on account of permanent alimony in terms of Memorandum of Understanding. Respondent No.2 has

withdrawn the petition under Section 125 Cr.P.C and no other case is pending between the parties.

Learned counsel 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. 75 dated 13.10.2020 under Sections 323/406/498-A/506 IPC registered at Women Police Station, Sector-51, Gurgaon, District Gurugram (offences under Sections 34/354-A/377 IPC cancelled in

the Final Report under Section 173(2) Cr.P.C. and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

29.11.2022
smriti

(VIVEK PURI)
JUDGE

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