

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

**CRM-M-33320-2021
Date of Decision: 30.03.2022**

**SUCHARU AGGARWAL AND ANOTHER ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Kumar Jain, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Jagjot Singh, 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. 23 dated 24.04.2018 registered under Sections 323, 498-A, 377, 406 IPC (Section 354 and 376 IPC were given up during investigation and Section 377 IPC was added) at Women Police Station, Ballabhgarh, Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 17.08.2021 notice of motion was issued and on 28.09.2021, 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 28.09.2021, learned Judicial Magistrate First Class, Faridabad has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“2. FIR in the present case was registered against Sucharu, Ashok Kumar, Savita Devi, Vikas Mangal and Neha Jindal. However, during investigation, Savita Devi, Vikas Mangal and Neha Jindal were found innocent and after completion of investigation, challan against accused Sucharu and Ashok Kumar was filed in the court. Accused Sucharu and Ashok Kumar have appeared before the court and have made their respective statements. No accused is absconding or PO in the case.

3. Kamini is the complainant and the only aggrieved person in the case. She has appeared before the court and made her statement.

4. The case is at the stage of consideration on charge and for adjudication of application under section 190 of the Code of Criminal Procedure, 1973, filed on behalf of complainant.

5. On 27.10.2021, accused Sucharu Aggarwal and Ashok Kumar Aggarwal and complainant Kamini appeared before the court and their statements were recorded to the effect that the matter has been compromised and that they have filed a petition under section 13B of the Hindu Marriage Act for divorce by mutual consent and the same is pending for second motion for 07.01.2022 before the Family Court, Faridabad. Complainant Kamini further stated that she has no objection if the FIR is quashed after second motion.

6. It is clear from the statements of accused and complainant that compromise has actually been arrived at between them and that the compromise is valid. In my opinion, the compromise is genuine, voluntarily and is outcome of free will of the parties. The recorded statements of accused Sucharu Aggarwal and Ashok Kumar Aggarwal and complainant Kamini are attached herewith.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties. The marriage between petitioner No.1 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 the judgment and decree dated 24.07.2021 passed by the Family Court at Gurugram. The entire amount of permanent alimony has been paid to respondent No.2. Petitioner No.1 has withdrawn the petition

under Section 13 of Hindu Marriage Act and respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. Furthermore, the offence under Section 354 and 376 IPC has been deleted during the course of investigation.

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 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. 23

dated 24.04.2018 registered under Sections 323, 498-A, 377, 406 IPC (Section 354 and 376 IPC were given up during investigation and Section 377 IPC was added) at Women Police Station, Ballabhgarh, Faridabad and all the consequential proceedings arising therefrom are quashed qua the petitioners.

30.03.2022

Janki

**(VIVEK PURI)
JUDGE**

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