

VARUN MONGA

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kunal Mittal, Advocate  
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Ms. Monika Thakur, Advocate  
for respondent No.2.

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VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 373 dated 14.06.2017 under Sections 323/498-A/406 IPC, 1860, registered at Police Station Surajkund, Faridabad at the instance of respondent No.2. During the pendency of the proceedings, applicant/respondent No.2 had also moved CRM-11086-2022 for quashing of FIR on the basis of compromise.

On 28.03.2022, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 28.03.2022, learned Chief Judicial Magistrate, Faridabad has recorded the statements of the parties and submitted

his report, the relevant para whereof reads as under:-

- “1. In this FIR only one accused Varun Monga is arrayed as accused.
2. None of accused is absconding/P.O in the case.
3. Compromise is genuine, voluntary and without any coercion or undue influence.
4. No other criminal case is pending against any of the accused.
5. In this case, complainant is Dr. Parul Mahajan and she has suffered her statement in support of the compromise. She is only aggrieved person in this case. ”

Learned counsel for the petitioner contends that an amicable settlement has been effected between the parties in terms of memorandum of understanding dated 20.05.2021/04.06.2021. The matrimonial dispute has been amicably settled between the parties. 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. Respondent No.2 has withdrawn application/complaint instituted as per the provisions of Protection of Women from Domestic Violence Act. Respondent No.2 has also withdrawn the civil suit challenging the decree of divorce granted by the foreign Court. She has also withdrawn the petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights which was instituted in the Family Court at Faridabad. The petitioner has paid lumpsum amount of Rs. 1,05,00,000/- to respondent No.2 besides a sum of Rs. 2,00,000/- on account of litigation expenses. The draft worth Rs. 35,00,000/- has been got encashed by respondent No.2 which was handed over to respondent No.2 at the time of recording the statements before the trial Court.

Learned counsel for respondent No.2 has not assailed the aforesaid assertions and has acknowledged the fact of compromise.

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. 373 dated 14.06.2017 under Sections 323/498-A/406 IPC, 1860, registered at Police Station Surajkund, Faridabad and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

11.05.2022  
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(VIVEK PURI)  
JUDGE

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