

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34224-2022

Date of Decision: 11.10.2022

YAMAN DALAL AND ANR

... PETITIONERS

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Neeraj Saini, Advocate, for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Lalit Kumar Yadav, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.0090 dated 16.08.2021 under Sections 323/406/498-A/506/34 IPC registered at Police Station Women West, Gurugram District Gurugram and all the consequential proceedings arising therefrom on the basis of compromise.

On 04.08.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 04.08.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Gurugram, has sent the report and the relevant portion whereof reads as under:-

“(a) As per report of Investigating officer, there are two accused in the present FIR namely Yaman Dalal and Shankuntla Devi.

(b) Accused persons have not been declared proclaimed person in this case.

(c) With respect to genuineness, authenticity

and veracity of the compromise, it is submitted that parties were questioned orally whether they are voluntarily settling the matter to which they replied in the affirmative. Further, from the demeanor of the parties also they did not appear to be under any coercion or undue influence. Also, compromise appear to be prima facie genuine. Therefore, prima-facie it appears that the compromise arrived at between the parties is genuine, voluntarily and without any coercion or undue influence.

(d) Accused persons are not involved in any other case;

(e) As per statement of investigating officer there is one victim/complainant in this FIR namely Taniya Sharma D/o Daya Kishan.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 09.02.2020 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-3. The marriage of petitioner No.1 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 05.08.2022 passed by the learned Family Court, Gurugram. The petitioner has paid a sum of Rs.10 lac to respondent No.2 on account of permanent alimony 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.0090 dated 16.08.2021 under Sections 323/406/498-A/506/34 IPC registered at Police Station Women West Gurugram, District Gurugram and all the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

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

11.10.2022
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(VIVEK PURI)
JUDGE

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