

CRM-M-29662-2019

Date of decision: 29.09.2022

KUNAL MANOCHA

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ajay Ghangas, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Kunal Dawar, Advocate for respondent No.2.

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.47 dated 15.11.2018 under Sections 498-A/406/506/323 IPC, registered at Police Station Women West Gurugram, District Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise.

On 09.12.2019, 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 09.12.2019, learned Judicial Magistrate 1st Class, Gurugram has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“From the statements of both the parties, it comes out that the parties in the present case have compromised the

matter with their free will and full sense so that they may live in peace and harmony and to avoid any future conflict/enmity between the parties. So this compromise between the parties appears to be genuine and valid. Further, it is further submitted that no party to the present case has been declared proclaimed offender in this case. There is no other case pending against accused Kunal Manocha as has been verified from the Police Station concerned.”

Learned counsel for the petitioner contends that initially, the complaint was submitted against the petitioner, his parents and sister. However, FIR was registered against the petitioner and his parents only. The parents of the petitioner were found innocent during the course of investigation and the challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 18.11.2016 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation Centre at Gurugram in terms of settlement/compromise dated 02.03.2019 (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 12.12.2019 passed by the learned Family Court, Gurugram. A sum of Rs.13,50,000/- has been paid on account of permanent alimony to respondent No.2. No other case is pending between the parties.

Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

After hearing the 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.47 dated 15.11.2018 under Sections 498-A/406/506/323 IPC, registered at Police Station Women West Gurugram, District Gurugram all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioner only.

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

29.09.2022
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(VIVEK PURI)
JUDGE

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