

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

**CRM-M-35925-2022 (O&M)**

**Date of Decision: 23.11.2022**

**MOHIT YADAV AND OTHERS ... PETITIONERS  
V/S  
STATE OF HARYANA AND ANOTHER ... RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Lalit Kumar Yadav, Advocate for the petitioners.  
Ms. Ankita Ahuja, AAG, Haryana.  
Mr. Badal Malik, 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. 58 dated 29.06.2021, under sections 34/323/406/498-A IPC registered at Police Station Women, Manesar Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-5).

On 16.08.2022 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 16.08.2022, learned Judicial Magistrate First Class, Gurugram has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“ a. As per report of Investigating officer,  
there are four accused in the present FIR.

b. As per report of Investigating officer,

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. Therefore, prima-facie it appears that the compromise arrived at between the parties is genuine, voluntarily and without any coercion or undue influence.

d. As per report of Investigating officer, accused persons are not involved in any other case.

e. As per report of Investigating officer, there is one complainant in the case namely Nisha.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 was solemnized with respondent No.2 on 25.11.2020 but no child has been born from the wedlock. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 04.08.2022 passed by the learned Family Court, Gurugram. A sum of Rs. 10 Lakhs has been paid to respondent No.2 on account of permanent alimony and she has also received all her articles of *Istridhan*. No other case is pending between the parties.

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

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.58 dated 29.06.2021, under sections 34/323/406/498-A IPC registered at Police Station Women, Manesar Gurugram and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

23.11.2022

Janki

(VIVEK PURI)  
JUDGE

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