

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35592-2022
Date of Decision: 29.11.2022

VIKAS GARG ... PETITIONER
VS.
THE STATE OF HARYANA AND ANOTHER.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Dhruv Gupta, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Ms. Poorva Gupta, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No.73 dated 05.08.2020 under Sections 323/406/498-A and 506 IPC registered at Women Police Station, Ambala, District Ambala and all the subsequent proceedings arising therefrom on the basis of compromise.

On 07.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 07.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate, 1st Class, Ambala has sent the report and the relevant portion whereof is reproduced here-in-below:-

(i)	Number of persons arrayed as accused in FIR?	As per the statement of Insp/SHO/L Satvinder Kaur in the present case, there were four accused persons namely Vikas Garg, Rasha Bansal, Vishal Garg and Manisha Garg who were named in the present FIR, however, only one accused namely Vikas Garg has been challaned in this case. Accused persons namely Rasha Bansal, Vishal Garg and Manisha Garg have not been challaned and their names were put in Khana No.2 of the challan.
-----	--	--

(ii)	Whether any accused is proclaimed offender?	As per the statement of Insp/SHO/L Satvinder Kaur, accused Vikas Garg has not been declared proclaimed offender/ person in this case.
(iii)	Whether the compromise is genuine, voluntary and without any coercion or undue influence?	Both the parties have admitted that the compromise have been effected by them without any pressure and it appears to be genuine and valid. I am satisfied that the compromise have been arrived at with the free consent of the parties and without any undue influence or coercion from any side.
(iv)	Whether the accused persons are involved in any other case or not?	As per statement of Insp/SHO/L Satvinder Kaur, three complaints were given against accused Vikas Garg by complainant in PS Women Ambala and other complaints were also there in other police station, however No other FIR is registered.
(v)	How many victims/ complainants are there in the FIR	As per the statement of Insp/SHO/L Satvinder Kaur, there is only one victim/complainant i.e. Smt. Khushbu Garg in the present FIR.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 in May, 2019. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. The marriage of petitioner 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 judgement and decree dated 04.11.2022 passed by the learned Family Court, Ambala. The petitioner has paid a sum of Rs.25 lac on account of permanent alimony to respondent No.2. Respondent No.2 has withdrawn the application under Section 12 of Protection of Women from Domestic Violence Act 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 she 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.73 dated 05.08.2020 under Sections 323/406/498-A and 506 IPC registered at Women Police Station, Ambala, District Ambala and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

29.11.2022
smriti

(VIVEK PURI)
JUDGE

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