

**129+293 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-35970-2022 in/and
CRM-M-46471-2021
Date of decision: 28.09.2022**

SUMIT AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mukesh Yadav, Advocate
for the applicant/petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Parmod Parmar, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

CRM-35970-2022

This is an application for placing on record the receipt as Annexure A-1 and order as Annexure A-2.

It has been stated that a sum of Rs.5,000/- is stated to have been deposited and thereafter, the statements of the parties have been recorded.

CRM application is disposed of and Annexures A-1 and A-2 are taken on record.

Main case

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.21 dated 09.03.2021 under Sections 498-A/34/506/313 IPC, registered at Women Police Station, Manesar, District Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise.

On 29.04.2022, parties were directed to appear before 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 29.04.2022, learned Additional District & Sessions Judge, Gurugram has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(1) There are 2 accused persons named in the FIR namely.

(i) Geeta wife of Mahipal

(ii) Sumit son of Mahipal residents of 1006, Gali No.2 near Panchayat Ghar, Rajaukri, South Avenue, New Delhi, India.

(2) There is no accused declared proclaimed offender in this FIR.

(3) With regard to compromise, statements of the parties have been recorded in the Court on 24.05.2022 and from the statements of the parties, the compromise appears to be genuine, voluntary, without any undue influence.

(4) As per statement of the Investigating Officer L/ASI Reena, the accused are not involved in any other FIR.

(5) As per statement of the Investigating Officer L/ASI Reena, there is no other complainant/victim except Sonia in the FIR. Both the accused and victim/complainant are party to the compromise.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 24.11.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 30.03.2021 (Annexure P-2). 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 Hindu Marriage Act in terms of judgment and decree dated 30.08.2022 passed by the learned Family Court, Gurugram. A sum of Rs.16,50,000/- has been paid on account of

permanent alimony to respondent No.2. Respondent No.2 has also received all her articles of *Istri Dhan*. No other case is pending between the parties.

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

When the parties were directed to get the statements to be recorded in terms of order dated 15.11.2021, it was also observed that the question of imposition of cost for wasting valuable time of police as well as the Court will be assessed at the time of final hearing of present petition, in case the FIR is to be 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.21 dated 09.03.2021 under Sections 498-A/34/506/313 IPC, registered at Women Police Station, Manesar, 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.

However, this order shall be subject to condition that the petitioners deposit a sum of Rs.10,000/- as costs with the District Legal Services Authority, Gurugram.

28.09.2022
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(VIVEK PURI)
JUDGE

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