

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

**CRM-M-46730-2021
Date of Decision: 01.04.2022**

**ASHISH SHRIVASTAVA ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sachin Ohri, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Vishal Sharma, 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.121 dated 20.09.2019 registered under Sections 323/34/406/498-A Indian Penal Code at Police Station Women West Gurugram, District Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 10.12.2021 notice of motion was issued and 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 10.12.2021, learned Judicial Magistrate First Class, Gurugram has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“It is submitted that I am satisfied that the matter

has been settled between Complainant Aditi Saxena and Accused Ashish Shrivastava amicably/voluntarily without any pressure or coercion and the compromise appears genuine on the face of record. The point wise report is as under:

Q1. Number of persons arrayed as accused in FIR?

A. Two persons namely Ashish and Balram were arrayed an accused in FIR but eventually only Ashish was charge-sheeted by police.

Q2. Whether any accused is proclaimed offender?

A. No.

Q3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?

A. yes.

Q4. Whether the accused persons are involved in any other case or not?

A. No.

Q5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR?

A. One complainant namely Aditi Saxena.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties. The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent and even the statements at the stage of first motion have been recorded. Furthermore, respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. and complaint under Protection of Women from Domestic Violence Act. The petitioner has withdrawn the petition under Section 9 of Hindu Marriage Act and he shall be making payment of permanent alimony as per the Settlement Agreement, Annexure P-2.

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 at a settlement, out of the Court, by way of compromise (Annexure P-2). 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. 121 dated 20.09.2019 registered under Sections 323/34/406/498-A Indian Penal Code at Police Station Women West Gurugram, District Gurugram and all the consequential proceedings arising therefrom are quashed qua the petitioner.

01.04.2022

Janki

**(VIVEK PURI)
JUDGE**

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