

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49396-2021

Date of Decision: 28.03.2022

YOGESH SHARMA

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Lalit Kumar Yadav, Advocate, for the petitioners.

Mr. Vikrant Pamboo, DAG, Haryana.

Mr. Neeraj Saini, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

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.78 dated 31.08.2020 under Sections 34/323/406/498-A/509 IPC registered at Police Station Women West Gurugram, District Gurugram on the basis of compromise.

On 25.11.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 25.11.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Gurugram has sent the report and the relevant portion of the same is reproduced here-in-below:-

“Today, Complainant Virender Sharma, Rajbir Sharma, Harikesh Mishra and Som Parkash and Accused Manish Kumar have appeared for getting recorded their statements before this court. They have stated about their settlement/compromise and affirmed having no grievance against each other and have prayed for quashing of

aforementioned FIR, with their free will and volition and without any pressure.

The point-wise report is as under.

i) One accused Yogesh has appeared before the court and made his statement.

ii) None of the accused is proclaimed offender.

iii) The compromise is genuine voluntary and out of free will of the parties.

iv) No other case is pending against the accused.

v) There is one Complainant only namely Ms. Meenakshi Sharma.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties. They have already instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent, wherein, statements of the parties at the stage of second motion have already been recorded. The amount of permanent alimony has been paid to respondent No.2.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and has stated that he 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.78 dated 31.08.2020 under Sections 323/406/498-A/509 IPC registered at Police Station Women West Gurugram, District Gurugram and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

28.03.2022
smriti

(VIVEK PURI)
JUDGE

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