

274 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50853-2021

Date of Decision: 01.08.2022

PARTEEK AGGARWAL

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Davinder Kumar, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. S.S.Kainth, Advocate
for respondent No2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No.104 dated 02.11.2018 under Sections 323/406 and 498-A IPC registered at Women Police Station, Yamuna Nagar, district Yamuna Nagar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 18.02.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Trial Court.

In compliance of the order dated 18.02.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jagadhri has sent the report and the relevant portion whereof is reproduced here-in-below:-

“It is submitted that I am satisfied that the matter has been settled between the parties amicably/voluntarily. Thus, the compromise in the present case is genuine, voluntary and without any coercion or undue influence. It

is further submitted that as per statement of ASI Mukesh Kumari (Investigating Officer), total two accused persons were arrayed as accused in the present FIR. However, challan was only presented against accused Parteek Aggarwal. In the present case, accused has not been declared proclaimed offender and the accused is not involved in any other case. It is also submitted that only one victim/complainant namely Shubhrika Goel is there in the FIR.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of the 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 judgment and decree dated 07.04.2022. A sum of Rs.15 lakh has been paid to respondent No.2 on account of permanent alimony. The custody of minor daughter shall remain with respondent No.2 and no other case is pending between the parties.

Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further 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.104 dated 02.11.2018 under Sections 323/406 and 498-A IPC registered at Women Police Station, Yamuna Nagar, District Yamuna Nagar and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner(s) only.

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

01.08.2022
smriti

(VIVEK PURI)
JUDGE

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