

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48079-2019

Date of Decision: 11.05.2022

Dr. RAVI SHANKER YADAV

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Mohak Arora, Advocate for
Mr. Manish Soni, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Ms. Shanika Khurmi, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No. 131 dated 13.12.2018 under Sections 406, 498-A and 323 IPC (34/509 IPC deleted later on) registered at Police Station Women West, Gurugram, District Gurugram.

On 13.11.2019, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 13.11.2019, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Gurugram has sent the report and the relevant portion whereof is reproduced here-in-below:-

“From the statements of both the parties, it comes out that the parties in the present case have compromised the matter with their free will and full senses so that they may live in peace and harmony and to avoid any future conflict/enmity

between the parties. So this compromise between the parties appears to be genuine and valid.

It is further submitted that only one accused namely, Ravi Shankar Yadav is arrayed as accused in this case. Further, both the parties have submitted that there is no aggrieved party apart from complainant in the present petition.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of memorandum of understanding/compromise contained at Annexure P-3. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of judgment and decree dated 15.12.2018 passed by the Court of learned Principal District Judge, Family Court, Gurugram. A sum of Rs.16,50,000/- has been paid in lump-sum to respondent No.2 and nothing is due payable to her.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and has 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. 131 dated 13.12.2018 under Sections 406, 498-A and 323 IPC (34/509 IPC deleted later on) registered at Police Station Women West, Gurugram, District Gurugram is ordered to be quashed, however, qua the petitioner only.

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

11.05.2022
smriti

(VIVEK PURI)
JUDGE

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