

286

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.8069 of 2023(O&M)

Date of Decision: 17.10.2023

Prashant Pasrija and Another

..... Petitioners

V/s.

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashwani Bhardwaj, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Ms. Perna Chandna, Advocate
for the complainant-respondent No.2.

Vivek Puri, J. (Oral)

1. The petitioners are seeking to quash the FIR bearing No.71/2022 dated 15.03.2022 under Sections 498-A, 406, 323, 506, 509, 34 IPC registered at Police Station – Women West, Gurugram and all the other subsequent proceedings arising therefrom on the basis of compromise.
2. On 15.02.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 15.02.2023, 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:-

“Accordingly, parties appeared before the Court on 28.03.2023 and the statement of complainant namely Disha Arora and accused namely Prashant Pasrija and Jyoti Pasrija were recorded in presence of undersigned regarding their compromise, after duly identifying them through their Aadhaar Cards, photographs as well as by their counsels. Report from investigating officer was sought. On the basis of the above said statement the point-wise report is as follows:-

(1)As per report of Investigating Officer, there are only two accused persons namely Prashant Pasrija and Jyoti Pasrija in the present FIR;

(2)As per report of Investigating Officer, there is only one complainant namely Disha Arora in the present FIR;

(3)As per report of Investigating Officer, no other criminal case is pending against the parties;

(4)As per report of Investigating Officer, none of the parties has been declared proclaimed offender at any stage of trial.

With respect to genuineness, authenticity and veracity of the compromise, it is submitted that parties were questioned orally whether they are voluntarily settling the matter to which they replied in the affirmative. Further, from the demeanor of the parties also they did not appear to be under any coercion or undue influence. Therefore, prima facie it appears that the compromise arrived at between the parties is genuine, voluntarily and without any coercion or undue influence.”

4. Learned counsel for the petitioners contends that the FIR was registered against the petitioner and two other relatives. Aabhas, the co-accused was found innocent during the course of investigation. Virender Pasrija, the father of petitioner No.1 died during the course of investigation and the challan has been presented only against the petitioners. The marriage of the petitioner no.1 was solemnized with respondent No.2 on 13.12.2018 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the Memorandum of Understanding (**Annexure P-2**). The petitioner No.1 has paid a sum of ₹3,00,000/- to respondent No.2 on account of permanent alimony. The marriage of the petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955 in terms of judgment and decree dated 22.08.2023 passed by learned Family Court, Gurugram. The respondent No.2 has received all her articles

of *Istri Dhan* and nothing is due payable to her by the petitioner No.1. No other case is pending between the parties.

5. Learned counsel 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.

6. 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.

7. 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.

8. For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**.

9. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR bearing No.71/2022 dated 15.03.2022 under Sections 498-A, 406, 323, 506, 509, 34 IPC registered at Police Station – Women West, Gurugram and all the other subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

17th October, 2023

Sonia Puri

(VIVEK PURI)
JUDGE

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