

RENU BALA
2023.08.11 19:07
I attest to the accuracy and
integrity of this document

CRM-M-9981-2023

-2-

made their statement. No accused persons are absconding in this case.

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

iii) The Investigating Officer has stated nothing about involvement of accused in any other FIR.

iv) The trial is at the stage of prosecution evidence.”

5. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 07.11.2016 and a son has been born from the wedlock. Although, the FIR was registered against the petitioners and 05 other relatives but they were found innocent and challan has been presented only against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of memorandum of understanding dated 18.10.2022 (Annexure P-2). The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 18.05.2023 passed by the learned Family Court, Gurugram. The entire claim of respondent No.2 for maintenance and articles of *Istri Dhan* have been settled. The custody of minor son shall remain with petitioner No.1. The parties have withdrawn the other cases instituted by them. At present, no other case is pending between the parties.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

7. After hearing the 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.

8. 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.

9. 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.

10. 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.51 dated 13.07.2020 under Sections 406/498-A/323/34/506/354-A IPC, 1860 registered at Police Station Women West Gurugram, District Gurugram and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

11.08.2023

renubala

(VIVEK PURI)
JUDGE

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