

**278 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-14288-2022(O&M)
Date of decision:05.07.2023**

VINEET GARG

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ankur Dua, Advocate for the petitioner.
Mr. Surinder Kumar Dagar, DAG, Haryana.
Mr. Lalit Kumar Narang, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.04 dated 24.01.2019 under Sections 34/498-A/506/406/377 IPC, 1860, registered at Women Police Station, Rohtak and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 04.04.2022, parties were directed to appear before the Area Magistrate/Trial Court and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 04.04.2022, learned Judicial Magistrate 1st Class, Rohtak has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

*“1. **Question 1:** The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O in the case?*

***Answer:** FIR was lodged against 05 persons. Challan was filed against only one accused i.e. Husband Vineet Garg who appeared before the court and made statement. As per police report,*

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accused person Vineet Garg is neither absconding nor is P.O in the case.

2. Question 2: *The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise?*

Answer: *Complainant's name is Smt. Shivani w/o Shri. Vineet Garg. As per the report of police as well as reading of the complaint is to the effect that there is only one complainant i.e. Smt. Shivani, who is also the only injured person. Complainant has suffered statement on dated 25.05.2022 in support of the compromise.*

3. Question 3: *The stage of Trial?*

Answer: *Proceedings were at the stage of Prosecution evidence.*

4. Question 4: *If compromise is genuine, voluntary and out of free will of the parties?*

Answer: *Yes, Compromise is genuine, voluntary and out of free will of the parties.*

5. Question 5: *Whether any other criminal case is pending against the accused?*

Answer: *No. As per police report, no other criminal case is pending against the accused.”*

5. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 29.11.2017 but no child has been born from the wedlock. Initially, FIR was registered against the petitioner and four other relatives. However, during the course of investigation, the other relatives were found to be innocent and the challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-3). The marriage of the petitioner 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 25.05.2022 passed by the learned Family Court, Rohtak. The petitioner has paid a sum of Rs.2 lakhs to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else is due payable to her. The other cases pending between the parties have been withdrawn. 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.04 dated 24.01.2019 under Sections 34/498-A/506/406/377 IPC, 1860, registered at Women Police Station, Rohtak and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

05.07.2023

(VIVEK PURI)
JUDGE