

277 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH

CRM-M-13356-2023  
Date of Decision: 10.08.2023

VIVEK SHARMA

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Mukesh Yadav, Advocate  
for the petitioner.

Mr. Surender Kumar Dagar, DAG Haryana.

Mr. Deepak Goyal, Advocate  
for respondent No. 2.

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**VIVEK PURI J. (Oral)**

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 020, dated 22.03.2022 registered under Sections 323, 34, 498-A and 506 of Indian Penal Code (Section 34 of IPC deleted later on) at Police Station Women Police Station, Narnaul, Manesar District Gurugram and all consequential proceedings arising therefrom, on the basis of compromise.

2. Vide order dated 16.03.2023, passed by this Court, the parties were directed to appear before the trial Court and get their statements recorded with regard to the compromise arrived at between them. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.

3. In compliance of the aforesaid order, report has been received

from the court of Ld. Judicial Magistrate Ist Class, Gurugram and relevant portion of the same is reproduced below:

*“In furtherance of the said directions statements of parties viz of complainant and of accused duly identified were recorded. It has been verified that both the complainant and the accused have entered into compromise voluntarily and same is genuine. Further, the statement of IO LASI Anita B. No. 664 is also recorded to the effect there is no proceeding pending against the accused in the present case.”*

4. Learned counsel for the petitioner contends that the marriage of petitioner was solemnized with respondent No. 2 on 27.12.2014 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the joint statement (Annexure P-3). The petitioner and respondent No. 2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of their marriage with mutual consent, wherein statement of the parties at the stage of first motion have been recorded. Furthermore, the petitioner shall pay a sum of Rs. 52,00,000/- on account of permanent alimony to respondent No. 2. Respondent No. 2 has received all her articles of *stree dhan* and nothing is due payable to her by the petitioner and no other case is pending between the parties.

5. Learned counsel for respondent No. 2/complainant has not disputed the aforesaid factual aspects and has 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***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

9. Accordingly the present petition is allowed and FIR No. 020, dated 22.03.2022 registered under Sections 323, 34, 498-A and 506 of Indian Penal Code (Section 34 of IPC deleted later on) at Police Station Women Police Station, Narnaul, Manesar District Gurugram and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

10.08.2023  
Ajay Goswami

(VIVEK PURI)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No