

2023:PHHC: 103442

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15131-2023

Date of decision: 09.08.2023

ATUL GARG

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bhunesh Lakhera, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

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

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking to quash the FIR No. 23 dated 30.03.2022 under Sections 323, 406 and 498-A IPC, registered at Women Police Station, District Fatehabad (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. On 04.05.2023, parties were directed to appear before the Trial Court/Illaq Magistrate 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 04.05.2023, learned Judicial Magistrate 1st Class, Fatehabad has recorded the statements of the parties and

submitted the report, the relevant para whereof reads as under:-

“In view of the statements made by the parties and statement of Investigating Officer PSI Priyanka, P.S. Women Fatehabad, this Court is of the view that parties have got their statements recorded voluntarily without any undue influence or coercion. As per the statements of parties, the compromise effected between the parties is genuine, voluntary and without any coercion undue influence. Further, there is one accused namely Atul Garg in the present case bearing FIR No. 23 dated 30.03.2022 under Sections 323, 406 and 498 IPC 1860, P.S. Women, Fatehabad, and there is no other accused apart from him. Moreover, the accused as well as complainant have never been declared as proclaimed offenders/persons and no other case has ever been registered against them”

5. Learned counsel for the petitioner contends that the marriage of petitioner was solemnized with respondent No. 2 on 13.02.2019. No child has been borne from the wedlock. 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-2), the petitioner had paid a sum of Rs. 21,00,000/- to respondent No. 2 on account of permanent alimony. She has received all her articles of *Istri Dhan*. The petitioner and respondent No. 2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of the marriage by mutual consent in the learned Family Court, Hisar, wherein the statement of the parties at the stage of first motion has been recorded. 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. 23 dated 30.03.2022 under Sections 323, 406 and 498-A IPC, registered at Women Police Station, District Fatehabad 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.

09.08.2023

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(VIVEK PURI)
JUDGE

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