

CRM-M-18545-2023

Date of Decision:02.08.2023

ADITYA CHAUDHARY AND ORS

... PETITIONERS

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Gaurav Bakshi, Advocate,
for the petitioners.

Mr. Ram Kumar Singla, DAG, Haryana.

Mr. Vikrant Rana, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the FIR No.458 dated 14.09.2017 under Sections 323, 498-A and 506 IPC registered at P.S. Faridabad NIT, District Faridabad and all the consequential proceedings arising therefrom on the basis of compromise.

2. On 17.04.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Trial Court.

3. In compliance of the order dated 17.04.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Faridabad has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. As per statement of IO, the present FIR was lodged by complainant Smt. Anjali Nehra against the accused Aditya Chaudhary only and there is no other accused except Aditya Chaudhary in this FIR. The accused has not been declared proclaimed offender or any such proceedings have not been initiated or pending against him.

2. In the considered opinion of the undersigned, the compromise so effected is for the amicable settlement of the dispute and was effected without any external pressure, coercion or force and is a valid compromise.

3. As per statement of Investigating Officer, the accused/petitioner is not involved in any other FIR.

4. The trial is pending for prosecution evidence.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 18.01.2013 and a daughter 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-3. 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 the Hindu Marriage Act in terms of judgment and decree dated 27.03.2023 passed by the learned Family Court, Faridabad. The petitioner No.1 has paid a sum of Rs.6 lac on account of permanent alimony to respondent No.2. the custody of the minor child shall remain with respondent No.2. The respondent No.2 has received all her articles of istridhan and nothing is due payable to her. The parties have withdrawn all the other cases instituted by them. At present, 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***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

09. 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.458 dated 14.09.2017 under Sections 323, 498-A and 506 IPC registered at P.S. Faridabad NIT, District Faridabad and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

02.08.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No