

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

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CRM-M-32068-2023

Date of Decision: 06.11.2023

DEEPAK AHOOJA AND ANR**... PETITIONERS****VS.****STATE OF HARYANA AND ANOTHER****.. RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present : Mr. Vaibhav Parashar, Advocate
for the petitioners.

Mr. R.K.Singla, DAG, Haryana.

Mr. F.S. Virk, Advocate for
Mr. M.K. Bali, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.544 dated 24.11.2018, under Sections 498-A/323/406/506 IPC registered at Police Station S.G.M.Nagar, District Faridabad on the basis of compromise.
2. On 06.07.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 06.07.2023 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:-

“(i)As per the order of the Hon'ble High Court dated dated 06.07.2023 in the case titled "DEEPAK AHOOJA AND ANOTHER Vs. STATE OF HARYANA AND ANOTHER" in CRM-M-32068-2023, the Illaga Magistrate/Trial Court was directed to record the statements of the parties on 27.07.2023 or any other date convenient to the court. The Complainant namely

Divya Munjal and the Accused Persons namely Deepak Ahooja and Smt. Veena Ahooja have appeared before the Court being the Trial Court today on 27.07.2023 for the purpose of recording of their statements.

(ii) The Complainant namely Divya Munjal and the Accused Persons namely Deepak Ahooja and Smt. Veena Ahooja have clearly stated that they have entered into the compromise voluntarily and without any pressure. The Complainant was identified by her counsel Sh. Parveen Tyagi, Advocate and the accused persons were identified by their counsel namely Ms. Asha Arora, Advocate. Their Power of Attorney are also on record. The Aadhar cards of the accused persons along-with the complainant have also been placed on record. '

(iii) In the present case, as per the statement of the concerned Investigation Officer, SI Raj Kumar No. 177, at present posted at, Police Post Town No. 3 NIT, Faridabad, as per the FIR and the investigation, initially the present FIR No. 544 dated 24.11.2018 under Sections 498-A, 323, 406 & 506 read with Section 34 IPC, P.S. SGM Nagar, District Faridabad was registered against five persons namely Deepak Ahooja, Amrit Kumar, Veena Ahooja, Shikha Kapoor and Shalini but the two accused persons namely Shalini and Shikha Kapoor were found innocent during the investigation conducted by the ACP concerned and the challan was presented in the court only against the three accused persons namely Deepak Ahooja. Amrit Ahooja and Veena Ahooja.

(iv) As per the report of the concerned Investigation Officer, SI Raj Kumar No. 177, at present posted at. Police Post Town No. 3 NIT. Faridabad, none has been declared as Proclaimed Offender(s) in the present FIR No. 544 dated 24.11.2018 under Sections 498-A, 323, 406 & 506 read with Section 34 IPC, PS. SGM Nagar. District Faridabad.

(v) As per the report of the concerned Investigation Officer, SI Raj Kumar No. 177, at present posted at. Police Post Town No. 3 NIT. Faridabad, no other criminal proceedings are pending against the accused persons in the concerned police Station:

(vi) As per the statement of the Investigating Officer and the record, there is only one complainant/victim namely Divya Munjal in the present case.

(vii) As per the record, vide order dated 21.01.2023, proceedings against the accused namely Amrit Kumar has been dropped as he has died.

(viii) This Court is of the considered view that the compromise appears to be genuine and has been reached voluntarily and without any coercion or undue influence between the complainant namely Divya Munjal and two accused persons namely Deepak Ahooja and Smt. Veena Ahooja and they have made their statements voluntarily and without any threat, inducement, coercion or undue influence.

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 25.11.2016 and a son has been born from the wedlock. Initially, the FIR was registered against the petitioners and Amrit Kumar, the father, Shikha Ahooja and Shalini, the sisters of petitioner No.1. On conclusion of the investigation, the challan has been presented against the petitioners and Amrit Kumar. However, Amrit Kumar has since died. The matrimonial dispute has been amicably settled between the parties. 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 the judgment and decree dated 02.11.2023 passed by the learned Family Court, Faridabad. Petitioner No.1 had paid a sum of Rs.5 lac to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of istridhan and nothing else is due payable to her by the petitioner(s). The custody of minor child shall remain with respondent No.2. No other case is pending between the parties.

5. Learned counsel appearing 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***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

9. 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.544 dated 24.11.2018, under Sections 498-A/323/406/506 IPC registered at Police Station S.G.M.Nagar, District Faridabad on the basis of compromise is ordered to be quashed, however, qua the petitioners only.

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

06.11.2023
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(VIVEK PURI)
JUDGE

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