

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28706-2023
Date of Decision: 01.09.2023

VIVEK DEVGAN ... PETITIONER
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Tarun Dhingra, Advocate, for the petitioner.
Mr. Surinder Kumar Dagar, DAG, Haryana.
Mr. Aakash Juneja, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the FIR No.436 dated 23.05.2019 under Sections 406 and 498-A IPC, registered at Police Station City Thanesar, District Kurukshetra and all the consequential proceedings arising therefrom on the basis of compromise.
2. On 01.06.2023, the parties were directed to get their statements recorded before the learned Illaqa/Duty Magistrate.
3. In compliance of the order dated 01.06.2023, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Kurukshetra, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1) The number of accused in the aforesaid FIR and to report whether any of the accused has been declared proclaimed offender or any such proceedings have been initiated or pending against him.

As per statement of Investigating Officer there are three accused persons arraigned in the FIR, but during investigation, accused Pawan Sharma and Anu Sharma were found innocent, therefore, their names were deleted from the said FIR and challan was filed against accused Vivek Devgan and none of the above said accused persons have been declared proclaimed offender and nor any such proceedings

have been initiated or pending against him.

2) *Whether the compromise entered between the parties is genuine, voluntary without any coercion or undue influence.*

The compromise entered between the parties is genuine and is not result of any pressure or coercion in any manner.

3) *Statement of IO regarding involvement of petitioner in any other FIR.*

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

4) *Status of the trial pending before the Court.*

The trial is at the stage of prosecution evidence and fixed for 25.09.2023.”

4. Learned counsel for the petitioner contends that the FIR was registered against the petitioner and two other relatives, who were found innocent and challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 01.08.2015 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner shall pay a sum of Rs.10 lac on account of permanent alimony to respondent No.2. The petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family Court, Kurukshetra, wherein statements of the parties at the stage of first motion have been recorded. A sum of Rs.5 lac has already been paid and the balance amount of Rs.5 lac shall be paid when the statements of the parties at the stage of second motion is recorded. The custody of minor daughter shall remain with respondent No.2. The respondent No.2 has received all her articles of *istridhan* and nothing else is due payable to her by the petitioner. 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*, 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.436 dated 23.05.2019 under Sections 406 and 498-A IPC, registered at Police Station City Thanesar, District Kurukshetra 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.

01.09.2023
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(VIVEK PURI)
JUDGE

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