

CRM-M-30035-2023
Date of Decision: 08.11.2023

RAHUL MALHOTRA ND ANR ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Parikshit Goyal, Advocate
for the petitioners.

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

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

VIVEK PURI, J.(ORAL)

1. Petitioners are seeking to quash the FIR No.215 dated 29.05.2022, under Sections 498-A/34 IPC, registered at Police Station Badshahpur, Gurugram and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 24.08.2023, the parties were directed to get their statements recorded before the learned trial Court/Illaq Magistrate.
3. In compliance of the order dated 24.08.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class Gurugram, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1.Two persons namely Rahul Malhotra and Veena Malhotra have been arrayed as accused in the FIR.

2. As per the record and statement of investigating officer no accused has been declared as proclaimed person.

3. Upon perusal of the statements recorded in court on behalf of all the parties and upon oral inquiry from the parties, this court is of considered and confirmed view that compromise stated to be effected between the parties is

genuine, voluntary and out of free will, without any pressure or influence from any side.

4.As per the statement of the investigating officer and record, the accused are not involved in any other FIR.

5.As per the statement of investigating officer there is only one complainant/victim and two persons have been arrayed as accused.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 22.11.2015 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent, wherein the statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs. 10 lakhs on account of permanent alimony to respondent No.2. A sum of Rs.5 lakhs has already been paid and the balance amount of Rs. 5 lakhs is to be paid at the time of recording the statements of the parties at the stage of second motion. The custody of minor child shall remain with respondent No.2. Petitioner No.1 shall have visitation rights as per the terms and conditions as mentioned in the petition under Section 13-B of Hindu Marriage Act (Annexure P-2). Petitioner No.1 shall also deposit a sum of Rs.15,000/- per month in the account of respondent No.2 on account of monthly expenses of the minor son. Respondent No.2 has received all her articles of Istridhan and nothing else due payable to her. The parties have also agreed to withdraw the other pending cases between them.

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.215 dated 29.05.2022, under Sections 498-A/34 IPC, registered at Police Station Badshahpur, Gurugram and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

08.11.2023

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

(VIVEK PURI)
JUDGE