

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

**CRM-M-32667-2023
Date of decision: 24.11.2023**

JATIN YADAV

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Dr. Sumati Jund, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Ramandeep Singh Brar, Advocate for
Mr. Aditya Sharda, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.155 dated 23.08.2022 under Sections 323/34/354-A/406/498-A IPC, registered at Police Station Women, West Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 28.07.2023, 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 28.07.2023, learned Judicial Magistrate 1st Class, Gurugram has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“In view of the statements of the interested parties. I am satisfied that, they have compromised the matter amongst themselves without any fear or pressure and that the compromise has been voluntarily arrived at between

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them. Statement of compromise before this court has been made by complainant Sonam Yadav and accused Jatin Yadav. As per the report of IO, it is submitted that the accused is not proclaimed offender in the said case. Statement of Investigating Officer is recorded. Case is fixed at the stage of prosecution evidence."

5. It has been reported that though, the complaint was lodged against three accused namely, Jatin Yadav (husband), Jitender Yadav (father-in-law) and Sanjog (mother-in-law) but the challan has been presented only against the petitioner under Section 323/406/498-A IPC.

6. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 16.02.2021 but no child has been born from the wedlock. The offence under Sections 354-D and 34 IPC has been deleted. The parents of the petitioner were found to be innocent during the course of investigation and challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of memorandum of understanding dated 03.05.2023 (Annexure P-2). The petitioner 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. The petitioner shall pay a sum of Rs.10,00,000/- to respondent No.2 for permanent alimony. A sum of Rs.5,00,000/- has already been paid and the balance amount of Rs.5,00,000/- is to be paid at the time of recording the statements at the stage of second motion. Respondent No.2 has received all her articles of *Istri Dhan* and nothing is due payable to her by the petitioner. No other case is pending between the parties.

7. Learned counsel for respondent No.2 states that he has no objection if

8. 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.

9. 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.

10. 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***.

11. 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.155 dated 23.08.2022 under Sections 323/34/354-A/406/498-A IPC, registered at Police Station Women, West Gurugram and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

24.11.2023
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(VIVEK PURI)
JUDGE