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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.43417 of 2022(O&M)

Date of Decision: 19.10.2023

Chirag Bhateja and Others

..... Petitioners

V/s.

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Charanjit Lal, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, D.A.G. Haryana.

Mr. Satbir Singh, Advocate for respondent No.2.

Vivek Puri, J. (Oral)

1. The petitioners are seeking to quash the FIR bearing No.278 dated 19.08.2018 under Sections 313, 323, 342, 354-A, 377, 506, 509, IPC, 1860 registered at Police Station City Sohna, District Gurugram and all the other subsequent proceedings arising therefrom, on the basis of compromise.

2. On 20.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

3. In compliance of the order dated 20.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate Ist Class, Sohna, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Statement of IO also recorded and report has been submitted by the IO ASI Kavita, P.S. City Sohna, Gurugram in which it has been stated that there are three accused persons namely Krishna@ Aarti, Gaurav Bhateja and Chirag Bhateja have not declared proclaimed offender in the present case. It is further stated that there is only one complainant namely Gaytri in the present FIR.

In view of the statements of the interested parties, the undersigned is satisfied that they have compromised the matter amongst themselves is without any coercion or undue influence and that the compromise has been genuinely and voluntarily arrived at between them.”

4. Learned counsel for the petitioners contends that the marriage of petitioner No.1 was solemnized with respondent No.2 on 31.10.2017 but no child has been born from the wedlock. The FIR has been lodged on the allegations that the petitioner no.1 has been committing unnatural sex and also administering some pills which resulted in the miscarriage. The FIR has been lodged on account of matrimonial dispute between petitioner No.1 and respondent No.2. The matrimonial dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2). The petitioner No.1 and respondent No.2 has resumed co-habitation. The respondent No.2 is happily residing in the matrimonial house with the petitioner No.1. 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, an offshoot of matrimonial dispute has been sought to be amicably settled. Consequently, a deserving case is

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 bearing No.278 dated 19.08.2018 under Sections 313, 323, 342, 354-A, 377, 506, 509, IPC, 1860 registered at Police Station City Sohana, District Gurugram and all the other 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.

19th October, 2023

Sonia Puri

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No