

297 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40095-2023

Date of Decision: 31.10.2023

NITIN SHACKSARIA AND OTHERS ... PETITIONERS
V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Davinder Pal Soni Jaura, Advocate for the petitioners.
Mr. Surinder Kumar Dagar, DAG Haryana.
Mr. Nitish Yadav, Advocate for
Mr. Amardeep Sheoran, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 479 dated 17.07.2023 under Sections 323/34/354/354-A/406/498-A/506 and 509 IPC registered at Police Station Sirsa City, District Sirsa and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 17.08.2023, the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.
3. In compliance of the order dated 17.08.2023, learned Chief Judicial Magistrate, Sirsa has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“I have the honour to submit that in compliance of order dated 15.05.2023 passed by Hon'ble High Court in CRM-M-40095-2023 titled as Nitin Shacksaria and Others Versus State of Haryana & Anr, complainant Arkin W/o Nitin Schaksaria (Daughter of Mamta), R/o 323, Batra Street, Rori Gate Sirsa, and accused namely (1) Nitin Schacksaria S/o Durga Prasad, R/o 1802, Nisanga

Layout, Bannerughatta Bangalore, Karnataka, (2) Neha Goyal W/o Ritesh Goyal Flat No 201, BKN-224, Bevas Chowk, Opposite Satyam Medical, Ullas Nagar-I, Thane, Mumbai, (3) Ritesh Goyal S/o Gopal R/o Flat No. 201 BKN-224, Bevas Chowk, Opposite Satyam Medical, Ullas Nagar-I, Thane, Mumbai, appeared before the Court on 13.09.2023. Their statements have been recorded separately in which they have stated that the matter has been settled amicably. They have further stated that the matter has been compromised without any pressure, coercion, inducement, without any condition rather it has been settled amicably and they have no objection if FIR in question is quashed.

It is further submitted that there is one complainant/victim and three accused are in the FIR and they all are parties to the compromise. None of the accused has been declared proclaimed offender and there is no any other criminal case pending against them as per affidavits filed by the accused.”

4. Learned counsel for the petitioners contend that marriage of petitioner No.1 was solemnized with respondent No.2 on 08.12.2021 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. The petitioner No.1 shall pay a sum of Rs.20 lac on account of permanent alimony to respondent No.2. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent, wherein statements of the parties at the stage of first motion have been recorded. The amount of Rs.20 lac shall be paid when the statements of the parties are recorded at the stage of second motion. Respondent No.2 has received all her articles of istridhan and nothing else is due payable to her by the petitioners. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact

and has stated that he has no objection if the aforementioned 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 is 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. Accordingly, the present petition is allowed and FIR No. 479 dated 17.07.2023 under Sections 323/34/354/354-A/406/498-A/506 and 509 IPC registered at Police Station Sirsa City, District Sirsa and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

31.10.2023

Janki

(VIVEK PURI)
JUDGE

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