

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-51300-2023  
Date of Decision: 11.12.2023

DINESH KUMAR ... PETITIONER  
VS.  
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Abhinav Sood, Advocate  
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General,  
Haryana.

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

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VIVEK PURI, J.(ORAL)

1. Petitioner is seeking to quash the FIR No.0124 dated 19.09.2021 under Sections 323/34/354-A/377/406/498-A and 506 IPC (subsequently Sections 354-A/377 and 34 IPC have been deleted) registered at Women Police Station, Faridabad, Tehsil and District Faridabad and all the subsequent proceedings arising therefrom on the basis of Memorandum of Understanding/Compromise.

2. Notice of motion.

3. On 10.10.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

4. In compliance of the order dated 10.10.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1<sup>st</sup> Class, Faridabad has sent the report and the relevant portion whereof is reproduced here-in-below:-

*“1. Number of persons arrayed as accused in  
FIR:*

*As per the statement of Investigating Officer, there is one accused in the present FIR.*

2. *Whether any accused is proclaimed offender:-*

*As per the report of Investigating Officer, accused has never declared proclaimed offender in this case.*

3. *Whether the compromise is genuine, voluntary and without any coercion or undue influence:-*

*In the view of the aforesaid facts and statement of complainant qua compromise. I am of the considered view that the compromise effected between the parties appears to be without any threat or pressure from either side and is made out of free volition of the parties*

4. *Whether the accused persons are involved in any other case or not:-*

*As per the report of Investigating Officer, accused persons are not involved in any other case.*

5. *The trial court is directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR:-*

*As per the statement of Investigating officer, there is only one complainant/victim in the present FIR.”*

5. Learned counsel for the petitioner contends that the FIR was registered against the petitioner and 8 other relatives, who were found innocent during the course of investigation and challan has been presented only against the petitioner. The offence under Sections 354-A, 377 and 34 IPC have been deleted. The marriage of petitioner was solemnized with respondent No. 2 on 27.11.2020 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the Memorandum of Understanding/Compromise Deed. Annexure P-2. The marriage of petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 17.10.2023 passed by the learned Family Court, Faridabad. Respondent

No.2 has received a sum of Rs. 01 lac on account of permanent alimony and all her articles of *istridhan*. Nothing else is due payable to respondent No.2 by the petitioner.

6. 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.

7. 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.

8. 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.

09. 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***.

10. 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.0124 dated 19.09.2021 under Sections 323/34/354-A/377/406/498-A and 506 IPC (subsequently Sections 354-A/377 and 34

IPC have been deleted) registered at Women Police Station, Faridabad,

Tehsil and District Faridabad and all the subsequent proceedings arising therefrom on the basis of Memorandum of Understanding/compromise are ordered to be quashed, however, qua the petitioner only.

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

**11.12.2023**  
smriti

**(VIVEK PURI)**  
**JUDGE**

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