

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

277

CRM-M-56801-2022 (O&M)

Date of decision: 11.10.2023

RAJNEESH KUMAR

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Pradeep Sharma, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

Mr. K.P. Dhaliwal, Advocate for
Ms. Priyanka Malik, Advocate
for respondent No.2.

VIVEK PURI. J.(Oral)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 0056 dated 04.05.2019 under Sections 498 and 323 of IPC registered at Police Station Women, Gurugram, Haryana (the challan has been presented with regard to the offence under Sections 323, 406, 498-A and 506 IPC) and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 06.12.2022, 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 06.12.2022, learned Judicial Magistrate First Class, Gurugram has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“In view of the statements of the interested parties and report of IO. I am satisfied that, they have compromised the matter amongst themselves without any fear, fraud or pressure and that the compromise has been voluntarily arrived at between them. As per the report of IO, it is submitted that the parties are not proclaimed offender in any other case nor any other criminal case is pending against them. Also submitted that there is no other accused except the accused Rajneesh in the present FIR.”

5. Learned counsel for the petitioner contends that marriage of the petitioner was solemnized with respondent No.2 on 03.02.2018 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 24.05.2022 (Annexure P-5). The petitioner has paid a sum of Rs.10,00,000/- to respondent No.2 on account of permanent alimony. The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage for dissolution of marriage by mutual consent in the learned Family Court Gurugram, wherein the statements of the parties were recorded at the stage of first motion. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else due payable to her. No other case is pending between the parties.

6. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 is 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.

9. 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. Accordingly, the present petition is allowed and FIR No. 0056 dated 04.05.2019 under Sections 498 and 323 of IPC registered at Police Station Women, Gurugram, Haryana and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

(VIVEK PURI)
JUDGE

11.10.2023
Amandeep

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No