

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

274

CRM-M-22490-2024 (O&M)

Date of Decision: 11.07.2024

Mohit Kumar Khurana

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Sirat Sapra, Advocate for the petitioner
(through Video Conferencing).

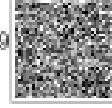
Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Amit Khatkar, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 80 dated 30.03.2022 (Annexure P-1) registered under Sections 323, 406, 498-A, 506 and 509 IPC at Women Police Station Women West, District Gurugram and all the consequential proceedings arising therefrom on the basis of compromise/Memorandum of understanding dated 12.02.2024 (Annexure P-2).

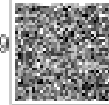
Pursuant to the order dated 06.05.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Gurugram to get their statements recorded. Learned Judicial Magistrate Ist Class, Gurugram, has submitted her report along with copies of statements of the parties vide letter dated 05.07.2024 duly



forwarded by the learned District and Sessions Judge, Gurugram.

A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue influence.

Learned counsel for the petitioner, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner is the husband of the complainant/respondent No.2 herein. Marriage of the petitioner with complainant/respondent No.2 was solemnized on 25.08.2018 and no child was born out of the said wedlock. Due to temperamental differences, the parties could not cohabit together and started residing separately since 30.01.2020. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 12.02.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. It is also submitted that a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by way of mutual consent has also been filed before the Family Court, concerned, wherein first motion statements of the parties have already been recorded on 27.02.2024 and the second motion statement is to be recorded on 04.09.2024. It is submitted that the matter has been settled in a total sum of Rs.22,00,000/-, out of which Rs.11,00,000/- have been paid to the complainant by the petitioner on the date of recording of first motion statement and rest of the amount would be paid on the date of recording



of second motion statement. Further, it is submitted that initially, 03 persons were named in the FIR, however, during investigation 02 out of them have been exonerated and the challan has been filed against the present petitioner. It is further submitted that the petitioner has never been declared as proclaimed offender.

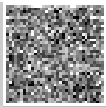
Learned State counsel has stated that he has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioner.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Judicial Magistrate Ist Class, Gurugram, this Court finds that the matter has been amicably settled between the petitioner and respondent No. 2. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in "**Kulwinder Singh and others Vs State of Punjab**", 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of "**Gian Singh Vs. State of Punjab and another**", 2012 (4) RCR (Criminal) 543, had also observed



that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced here-in-below:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.”

In view of what has been discussed here-in-above, this petition is allowed and FIR No. 80 dated 30.03.2022 (Annexure P-1) registered under Sections 323, 406, 498-A, 506 and 509 IPC at Women Police Station Women West, District Gurugram and all the consequential proceedings arising therefrom on the basis of compromise/Memorandum of understanding dated 12.02.2024 (Annexure P-2), are ordered to be quashed qua the petitioner.

11.07.2024
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(NIDHI GUPTA)
JUDGE

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