

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

295

CRM-M-45544-2022 (O&M)
Date of decision: 16.01.2024

PRINCE NANDA

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Ms. Nisha Rana, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Ms. Kamaldeep Kaur, Advocate
for respondent No.4.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.533 dated 11.07.2018 registered at Police Station Saran, District Faridabad under Sections 323, 34, 498-A of the IPC on the basis of compromise between the petitioner and respondent No.4.

[2] Learned counsel for the petitioner *inter alia* contends the FIR was registered at the instance of respondent No.4-wife of the petitioner due to a matrimonial dispute. Now the parties have effected a compromise and they have decided to dissolve their marriage by filing a joint petition for divorce. As such, petition under Section 13-B of the Hindu Marriage Act, 1955 (Annexure P-2) has been filed by the petitioner and respondent No.-4 before the Family Court, Faridabad. The statement of the parties (Annexures P-5 & P-6) have been recorded for first motion and second motion and thereafter Family Court,

Faridabad had finally passed a decree of divorce dated 16.09.2022 (Annexure P-7). As per the compromise the petitioner had paid a sum of Rs.4,15,000/- towards past, present and future maintenance and permanent alimony of the respondent No.4. As per para No.12 of the joint petition for divorce (Annexure P-2), respondent No.4-complainant has agreed to withdraw the present FIR.

[3] Learned counsel appearing on behalf of respondent No.4 has confirmed the factum of compromise between the parties.

[4] As per order dated 21.09.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements and their report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 18.10.2023 of Court of Mr. Gaurav Khanna, Judicial Magistrate Ist Class, Faridabad, statements of petitioner and complainant-respondent No.4 have been recorded. Compromise appears to be genuine and has been reached voluntarily and without any coercion. The statements of the complainant-respondent No.4-Deepika Kapoor and petitioner-Prince Nanda have been recorded by the Magistrate and the statement of Investigating Officer-SI Vinod Kumar has also been recorded, who has testified that there were initially ten accused persons namely Prince Nanda, Shyam Sunder Nanda, Anu Nanda, Manisha, Satpal, Suman, Lovely, Parul, Manish Chhabra and Monika but nine accused persons except the present petitioner-Prince Nanda were found innocent. The final report under Section 173 Cr.P.C. was filed only against the present petitioner-Prince Nanda. No accused has been declared as Proclaimed Offender in the present FIR. The petitioner is not involved in any other criminal case except the present case.

[6] Learned State counsel has not raised any objection regarding the

acceptance of the present petition.

[7] The Hon'ble Apex Court in Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543, has observed that in order to secure the ends of justice or to prevent the abuse of the process of Court, this Court can use inherent powers to quash the criminal proceedings in which compromise has been effected.

[8] It was a matrimonial dispute between the petitioner and respondent No.4 and now the parties have settled their dispute. Decree of divorce has been passed. The settlement qua maintenance has also been made and respondent No.4 has received a sum of Rs.4,15,000/- for maintenance, as such, this Court feels that further continuing with the prosecution of the petitioner in the present FIR is not in the interest of justice. The criminal proceedings deserve to be quashed to secure the ends of justice.

[9] Consequently, this petition is allowed and FIR No.533 dated 11.07.2018 registered at Police Station Saran, District Faridabad under Sections 323, 34, 498-A of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

16.01.2024
P.Bhatt

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