

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.36584 of 2018 (O&M)
Date of Decision: 08.01.2019**

Vinay Batra

.....Petitioner

Versus

Union Territory of Chandigarh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Divya Pratap Shishodia, Advocate for the petitioner.

Mr. Sukant Gupta, Additional Public Prosecutor, UT, Chandigarh
for respondent No.1.

Mr. Vijay Lath, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.116 dated 08.12.2016 (**P-2**), under Sections 406 and 498-A of the Indian Penal Code, registered at Police Station Women Cell, Sector 17, Chandigarh along with all consequential proceedings arising therefrom on the basis of compromise dated 16.05.2018 (**P-4**), entered into between the parties.

This Court, while issuing notice of motion on 24.08.2018, passed the following order:-

“ *It is a matrimonial dispute which is now stated to have been resolved amicably. It is further stated that the challan has been filed and the case is pending trial.*

Notice of motion.

Ms. Vibha Nagar, Advocate has appeared on behalf of the complainant by filing vakalatnama, which be taken on record. She admits the factum of compromise.

In the meantime, the parties are directed to appear before the trial Court within one month from today, so as to get their statements recorded regarding compromise. The trial Court is to report whether the compromise has been entered into voluntarily, without any threat or coercion and the same is genuine. It be also intimated whether any of the parties has been declared proclaimed offender. Report in that regard be sent to this Court by next date of hearing.

Adjourned to 30.10.2018.

The trial Court is directed to adjourn the case beyond the date fixed in this case. ”

In terms of above order, the statements of the parties have been recorded by learned Judicial Magistrate 1st Class, Chandigarh and submitted a report dated 21.09.2018. The operative part of the same reads as under:-

“ There is only one accused in the present case as per the report of Ahlmad, accused has not been declared as proclaimed offender. Since the matter has been compromised by the complainant with the accused without any pressure, coercion or threat from any side, who has no objection with regard to quashing of FIR on the basis of compromise, therefore, compromise is complete and good in the eyes of law. ”

A perusal of the aforesaid report clearly reveals that this is a matrimonial dispute and the same has been amicably settled by the parties with their free consent, voluntarily and without any coercion or undue influence.

Learned Counsel for the UT, Chandigarh, on instructions from the police official present in the Court, has acknowledged the above fact and further stated that he has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected

between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed. Statement of complainant/respondent No.2-Anjana Batra was also recorded by learned JMIC, Chandigarh on 21.09.2018, wherein she acknowledged the compromise. Even the marriage of the parties has been dissolved by way of decree of divorce under Section 13-B of the Hindu Marriage Act, 1955, vide judgment and decree dated 08.12.2018, passed by learned Additional District Judge, Chandigarh and certified copy of the same has been produced, the same is taken on record and marked as 'X'.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquillity and thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner.

January 08, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned	Yes
Whether Reportable	No