

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9270-2022

Date of Decision: 01.06.2022.

VIKASDEEP AND ORS

... PETITIONERS

VS.

STATE OF U.T CHANDIGARH AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Bhanvi, Advocate, for
Mr. A.d.S.Sukhija, Advocate
for the petitioners.

Mr. Sumit Jain, APP for U.T.Chandigarh.

Mr. Sahil, Advocate for
Mr. H.S.Gill, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

By this petition, the petitioners are seeking to quash the FIR No.63 dated 14.09.2021 under Sections 498-A and 406 IPC registered at Women Police Station, District Chandigarh and the all the consequential proceedings arising therefrom on the basis of compromise.

On 04.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 04.03.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Chandigarh, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(1) Complainant Gaganpreet Kaur, has got FIR No.63 dated 14.09.2021, u/s 406, 498 IPC, PS-WPS-17, Chandigarh registered against three accused persons i.e. Vikasdeep s/o Sh. Harjinder Kumar, Harjinder Kumar s/o Sh. Mulkh Raj, Suman Balal w/o Sh. Harjinder Kumar.

(2) *None of the accused persons have been declared proclaimed offender.*

(3) *On the basis of statement given by parties, this Court is of the considered view that compromise between complainant and accused persons is genuine, it has been effected voluntarily without any pressure, coercion or undue influence from any quarter.*

(4) *As per statement of Investigating Officer, none of the accused persons are involved in any other case.*

(5) *As per statement of Investigating Officer, Gaganpreet Kaur is only complainant in present FIR and there is no other victim/complainant in above said FIR.”*

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-3. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 25.04.2022 passed by the Court of learned Additional District Judge, Chandigarh. A sum of Rs.17 lakhs has been paid to respondent No.2 on account of permanent alimony. All other cases except transfer petition which is pending in this Court have been withdrawn. Respondent No.2 shall also withdraw the transfer petition and no other case is pending between the parties.

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.

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.

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.

For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

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.63 dated 14.09.2021 under Sections 498-A and 406 IPC registered at Women Police Station, District Chandigarh and the all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

01.06.2022
smriti

(VIVEK PURI)
JUDGE

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