

CRM-M-18189-2022

Date of decision: 01.09.2022

MONU KHAN

...PETITIONER

VERSUS

STATE OF U.T. CHANDIGARH AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kulwinder Singh, Advocate for
Mr. Karamjeet Singh, Advocate
for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. PP, for UT, Chandigarh.

Mr. Abhishek Chha, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.149 dated 03.11.2019 under Sections 498-A IPC, registered at Women Police Station, Sector-17, Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise.

On 02.05.2022, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 02.05.2022, learned Judicial Magistrate 1st Class, Chandigarh has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

1.	<i>Number of persons arraigned as accused in the FIR</i>	<i>One accused namely Monu Khan</i>
2.	<i>Whether any accused proclaimed offender</i>	<i>No, as per the statement of Investigating Officer.</i>
3.	<i>Whether the compromise is genuine, voluntary and without any coercion or undue influence.</i>	<i>Yes, the compromise so arrived at between the parties is genuine, voluntarily and without any coercion or undue influence.</i>
4.	<i>Whether the accused persons are involved in any other case or not</i>	<i>As per the statement of Investigating Officer, no other investigation is pending against the accused person.</i>
5.	<i>How many victims/complainants are there in the FIR</i>	<i>As per the statement of Investigating Officer, there is only one complainant/victim namely Chand Tara.</i>

Learned counsel for the petitioner contends that the marriage of petitioner was solemnized with respondent No.2 on 08.05.2016 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 01.11.2021 (Annexure P-2). The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 28 of the Special Marriage Act in terms of judgment and decree dated 07.05.2022 passed by the Court of learned Additional District Judge, Chandigarh. A sum of Rs. 3,00,000/- has been paid on account of permanent alimony to respondent No.2 and the custody of minor child shall remain with her.

Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

After hearing the 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. 149 dated 03.11.2019 under Sections 498-A IPC, registered at Women Police Station, Sector-17, Chandigarh and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

01.09.2022
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(VIVEK PURI)
JUDGE

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