

**In the High Court for the States of Punjab and Haryana at
Chandigarh**

CRM-M-45795-2018

Date of Decision: June 01, 2022

Vaibhav Bhalotia

... Petitioner

Versus

State of U.T. Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tejinderbir Singh, Advocate,
for the petitioner.

Mr. Rajeev Anand, APP,
for respondent no.1-U.T., Chandigarh.

Mr. Jagdeep S. Virk, Advocate,
for respondent No. 2.

Vivek Puri, J.

The petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Code') invoking its inherent jurisdiction for quashing of FIR No. 0291, dated 06.08.2018, under Sections 376 and 420 of the Indian Penal Code, registered at Police Station Sector 36, Chandigarh and all the consequential proceedings arising therefrom, on the basis of settlement between the parties.

Briefly, the FIR has been registered on the basis of the statement of the respondent no.2 alleging that on the false pretext of marriage, the petitioner had committed rape and also outraged her modesty.

In terms of order dated 13.11.2019, the parties were directed to appear before the learned Illaqa Magistrate/Duty Magistrate/trial Court for recording their respective statements with regard to the compromise/settlement.

Learned Judicial Magistrate 1st Class, Chandigarh has sent its report and the relevant portion thereof is reproduced herein below:-

“(i) That on the basis of statement given by parties this Court is of the considered view that compromise between the parties is genuine and it has been effected voluntarily without any pressure, coercion or undue influence from any quarter.

(ii) That none of the parties to the petition is proclaimed offender.

(iii) That as per record available with the court of undersigned and statement of IO SI Devinder Singh, challan has not been presented till date.”

It has been contended by the learned counsel for the petitioner, as well as, learned counsel for respondent no.2 that the dispute has been amicably settled between the parties in terms of the compromise/settlement. The petitioner and respondent no.2 have solemnized marriage with each other on 10.10.2018. The copy of the marriage

certificate is Annexure P/2 and the photographs depicting the marriage are Annexure P/3. The date of birth of the respondent no.2 is 13.09.1991 as depicted in the Aadhar Card (Annexure P/4). The marriage has been solemnized after the respondent no.2 had attained the valid age for solemnizing the marriage. It has further been stated that the petitioner and respondent no.2 are happily residing in the matrimonial house.

Learned counsel for the parties are *ad idem* that as an amicable settlement has been effected between the private parties and have solemnized marriage, they have no objection if the FIR and subsequent proceedings are quashed.

The inherent power vested in this Court under Section 482 of the Code is not to be invoked as a matter of routine but to prevent the abuse of process of Court and to secure ends of justice. This section gives the power to this Court to entertain applications which are not contemplated in the Code of Criminal Procedure, in the event, it is felt that the ends of justice will require that the Court can invoke the extraordinary powers which are to be exercised with restraint and not lightly. In the event, the Court is satisfied that in order to secure the ends of justice, it should interfere under its inherent powers, it ought to do so.

In the instant case, the respondent no.2, who has already attained the age of majority, has solemnized marriage

with the petitioner and the couple is stated to be residing happily with each other.

In such circumstances, the possibility of conviction also become remote and bleak and continuation of criminal case will cause injustice not only to the petitioner but also to respondent No.2, who is now legally wedded wife of the petitioner.

In terms of the order dated 13.11.2019, directions were also issued to ensure the personal appearance of the private parties before the Court. The matter has been taken up thereafter today, on account of restricted hearing due to covid-19 pandemic. The petitioner and the respondent no.2 are present in Court and both of them have also re-affirmed the fact of amicable settlement and further stated that they are happily residing together after solemnizing the marriage.

As such, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 of the Code, so as to secure the ends of justice in the light of amicable settlement having been effected between the parties. In such a situation, continuation of the prosecution would result in sheer abuse of process of law. In the event, the FIR is quashed, it will be for the welfare of the parties and would also tend to strengthen the healthy matrimonial relationship between the petitioner and respondent No.2 as husband and wife.

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. 0291, dated 06.08.2018, under Sections 376 and 420 of the Indian Penal Code, registered at Police Station Sector 36, 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.

June 01, 2022
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking	:	Yes / No
Whether reportable	:	Yes / No