

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

CRM-M-27418-2022

Date of Decision: 22.11.2022.

KARAN CHAWLA

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Brijesh Kaushik, Advocate, for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Arnab Kumar, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No.147 dated 10.10.2017 under Sections 323/406/498-A/506 IPC registered at Women Police Station, Ambala and all the consequential proceedings arising therefrom on the basis of compromise.

On 26.08.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 26.08.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ambala, has sent the report and the relevant portion whereof reads as under:-

(i)	Number of persons arraigned as accused in FIR	As per the statement of ASI Naresh Kumari, in the present case, there were four accused persons namely Karan Chawla, Kavinder Chawla, Kiran Chawla and Kanika Chawla who were named in the present FIR, however, only one accused namely Karan Chawla has been challaned in this case. Accused persons namely Kavinder Chawla, Kiran Chawla and Kanika Chawla have not been challaned.
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(ii)	Whether any accused is proclaimed offender?	As per the statement of ASI Naresh Kumari, accused Karan Chawla has not been declared proclaimed offender/person in this case.
(iii)	Whether the compromise is genuine, voluntary and without any coercion or undue influence?	Both the parties have admitted that the compromise have been effected by them without any pressure and it appears to be genuine and valid. I am satisfied that the compromise have been arrived at with the free consent of the parties and without any undue influence or coercion from any side.
(iv)	Whether the accused persons are involved in any other case or not?	As per statement of ASI Naresh Kumari, accused Karan Chawla has not involved as accused in any other case as per record of PS Women Ambala.
(v)	How many victims/complainants are there in the FIR?	As per the statement of ASI Naresh Kumari, there is only one victim/complainant i.e. Smt. Anuja Sharma in the present FIR.

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.

Learned counsel for the petitioner contends that after the conclusion of the investigation, the challan has been presented against the petitioner only. Even the trial Court has framed the charges under Sections 406, 498-A and 506 IPC against the petitioner. The marriage of petitioner was solemnized with respondent No.2 on 14.12.2015, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise dated 20.05.2022 (Annexure P-2). The petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court at Ambala, wherein statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs.12 lac to respondent No.2 on account of permanent alimony. A sum of Rs.6 lac has already been paid to respondent No.2 and balance amount of Rs.6 lac has also been paid to respondent No.2 in the Family Court, Ambala, wherein statements of the parties at the stage of second motion have been recorded. The respondent No.2 has withdrawn the petitions under

Section 125 Cr.P.C. and Protection of Women from Domestic Violence Act. Respondent No.2 has also withdrawn the petition under Section 25 of the CPC for transfer which was pending in the Hon'ble Supreme Court of India. Petitioner has also withdrawn the petition under Section 13 of Hindu Marriage Act which was pending in this Court. The father of the petitioner has also withdrawn the appeal which was filed against the order passed in the proceedings under the Protection of Women from Domestic Violence Act and the complaint instituted by him in the Court of learned Additional Chief Judicial Magistrate, Ambala.

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.147 dated 10.10.2017 under Sections 323/406/498-A/506 IPC registered at Women Police Station, Ambala and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the

petitioner only.

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

22.11.2022
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(VIVEK PURI)
JUDGE

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