

SMRITI the FIR
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I attest to the accuracy and
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registered at Police Station Women Cell, Sector-17, Chandigarh and all the consequential proceedings arising therefrom on the basis of compromise.

On 18.11.2021, the parties were directed to get their statements recorded before the learned Trial Court/Illaq Magistrate.

In compliance of the order dated 18.11.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Chandigarh Nagar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“The report on the basis of statement of the parties as directed by the Hon'ble High Court is submitted as under:

- 1.) There are three accused persons in the present FIR.*
- 2.) There is no PO in the present case.*
- 3.) This court, after hearing the parties in persons alongwith counsel of accused and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties seems to be genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements given by the complainant as well as accused are not the result of any pressure and coercion.*
- 4.) None of the accused persons are involved in any other FIR/case.*
- 5.) Isha Goyal is the only victim/complainant in the present case.”*

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-2. It has been further stated that 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 the Hindu Marriage Act in terms of the judgment and decree dated 09.02.2022 passed by the Court of learned Additional District Judge, Chandigarh. A sum of Rs.55 lakhs has been paid to respondent No.2 on account of permanent alimony. Both the parties have withdrawn the other respective cases which have been instituted against each other. The custody of minor children shall remain with respondent No.2 and petitioner No.1 shall be having visiting rights as per the terms of the compromise/mutual settlement contained at Annexure P-2.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and has 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. 54 dated 27.02.2019 under Sections 406 and 498-A IPC registered at Police Station Women Cell, Sector-17, Chandigarh and all the subsequent 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.

22.04.2022
smriti

(VIVEK PURI)
JUDGE

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