

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

**CRM-M-54140-2019
Date of Decision: 19.04.2022**

RAJESH SHARMA AND OTHERS

... PETITIONERS

V/S

**STATE OF UNION TERRITORY CHANDIGARH AND ANOTHER
... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Athar Ahmed, Advocate for the petitioners.

Mr. Deepinder Brar, Addl. P.P. U.T. Chandigarh.

Mr. Dhiraj Chawla, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.91 dated 15.03.2014 registered under Sections 406, 498-A Indian Penal Code at Police Station, Sector 17, Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 19.12.2019 the parties were directed to appear before the Trial Court 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 of the compromise.

In compliance of the order dated 19.12.2019, learned Judicial Magistrate First Class, Chandigarh has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as

under:-

“After going through the statements given by complainant, accused persons and HC Satyawan Singh in the court, the following report is submitted as desired by the Hon'ble High Court:

- i) above-named three accused persons are arrayed as accused in this FIR;
- ii) No accused is proclaimed offender;
- iii) The trial of present case is at the stage of prosecution evidence;
- iv) Compromise between the parties is valid and genuine and it is voluntarily effected between the parties with their free consent and without any pressure, threat, coercion or undue influence from any quarter. ”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled in terms of compromise, Annexure P-2. The marriage between petitioner No.1 and respondent No. 2 has been dissolved by a decree of divorce under Section 13-B of Hindu Marriage Act. Custody of minor child shall remain with respondent No.2. After the dissolution of marriage, both the parties have re-married.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (Annexure P-2). The compromise is without any pressure and is 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*.

Accordingly, the present petition is allowed and FIR No. 91 dated 15.03.2014 registered under Sections 406, 498-A Indian Penal Code at Police Station, Sector 17, Chandigarh and all the consequential proceedings arising therefrom are quashed qua the petitioners.

19.04.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No