

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-35642-2023 (O&M)  
Date of Decision: 09.10.2023

ABHINEET SHARMA ... PETITIONER  
VS.  
STATE OF UT CHANDIGARH AND ANR. .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Deepika, Advocate, for the petitioner.

Mr. Sumit Jain, Addl.P.P. For U.T.Chandigarh.

Mr. Ravi Kumar Mishra, Advocate  
for respondent No.2.

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VIVEK PURI, J.(ORAL)

1. Petitioner is seeking to quash the FIR bearing No.78 dated 20.11.2020 under Sections 406/498-A IPC registered at Women Police Station, District Chandigarh and all the other subsequent proceedings arising therefrom on the basis of compromise.
2. On 31.07.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 31.07.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1<sup>st</sup> Class, Chandigarh, has sent the report and the relevant portion whereof is reproduced here-in-below:-

*“1. There is no other accused other than Abhineet Sharma, arrayed in the present FIR.*

*2. As per report of the IO, neither the accused has been declared as Proclaimed Offender in the present case nor any PO proceedings are pending against him in the present case.*

*3. Considering the statements of the parties,*

*the assessment of the undersigned regarding the veracity of compromise, is that the same is genuine, voluntary and out of free will.*

*4. As per statement of the Investigation Officer, no other FIR has been registered against the accused person.*

*5. As per statement of the Investigation Officer, Puneet Sharma is the only affected/aggrieved party, who has been arrayed as complainant.”*

4. Learned counsel for the petitioner contend that the marriage of the petitioner was solemnized with respondent No.2 on 20.06.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 21.12.2022 (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 13-B of Hindu Marriage Act in terms of judgment and decree dated 24.07.2023 passed by the Court of learned District Judge, Chandigarh. Petitioner has paid a sum of Rs.5,00,000/-on account of permanent alimony to respondent No.2. Respondent No.2 has received all her articles of Istri Dhan and nothing is due payable to her. No other case is pending between the parties.

5. 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.

6. 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.

7. 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.

8. For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, approved by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

9. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR bearing No.78 dated 20.11.2020 under Sections 406/498-A IPC registered at Women Police Station, District Chandigarh and all the other subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

09.10.2023  
smriti

(VIVEK PURI)  
JUDGE

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