

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

**CRM-M-36863-2023(O&M)
Date of decision: 09.10.2023**

BRIJ MOHAN MISHRA AND ORS.

...PETITIONERS

VERSUS

STATE OF UT CHANDIGARH AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vinod Pundir, Advocate for
Mr. Varun Chawla, Advocate for the petitioners.

Mr. Anupam Bansal, Addl. PP for UT, Chandigarh.

Mr. Bhupender Singh, Advocate for
Mr. Anish Gautam, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.164 dated 30.11.2019 under Sections 406/498-A IPC, registered at Women Police Station, Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 31.07.2023, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 31.07.2023, learned Judicial Magistrate 1st Class, Chandigarh has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

Sector 17, Chandigarh has appeared and suffered statement that he has been deputed on behalf of ASI Krishan Kumar, investigating officer (now retired) by the SHO. There are three accused persons in the present case and no other case is registered against the above said accused persons in WPS-17, Chandigarh and accused persons were never declared proclaimed offender in the present case.

The parties have been inquired regarding their compromise in Court and they have agreed that they entered into compromise with their free will. After going through the statement of the parties, I am satisfied that the compromise has been entered into between the parties with their free will and without any threat, coercion or undue influence from any corner."

5. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 16.02.2015 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 19.07.2023 (Annexure P-2). Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Additional District Judge, Chandigarh wherein statement of the parties at the stage of first motion have been recorded. Petitioner No.1 has paid a sum of Rs.7,60,000/- to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of *Istri Dhan* and nothing is due payable to her by the petitioners. The custody of minor son shall remain with respondent No.2. Respondent No.2 has withdrawn the petitions under Section 125 Cr.P.C and Protection of Women from domestic Violence Act. No other case is pending between the parties.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

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.

8. 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.

9. 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*.

10. 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. 164 dated 30.11.2019 under Sections 406/498-A IPC, registered at Women Police Station, Chandigarh and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

09.10.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No