298 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40998-2023
Date of decision: 14.11.2023

VIVEK AGRAWAL AND ORS. ...PETITIONERS

VERSUS

STATE OF UT, CHANDIGARH AND ANR. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms.Sidhi Bansal, Advocate for the petitioners.

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

Mr. Sagar Ratusaria, Advocate for
Ms. Ridhi Bansal, Advocate for respondent No.2.

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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.62 dated 04.09.2021 under Sections 498-A/406 IPC, registered at Police Station Women, Sector-17, Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 21.08.2023, parties were directed to appear before the Trial Court/Illaqa 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 21.08.2023, learned Judicial Magistrate 1st Class, Chandigarh has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

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> *"Thereafter, IO ASI Rambir, Belt no.2964, appeared and got recorded his statement that only three accused namely Vivek Agrawal son of Sh. Govind Agrawal, Govind Prasad Agrawal son of Sh.Ram Babu Lal and Asha Agrawal wife of Sh. Govind Agrawal have been arrayed in present case FIR. There is only one complainant/victim namely Rohini Gupta D/o Late Sh. Ved Parkash Gupta in the present case FIR. No P.O. proceedings have been initiated or pending against any of the abovementioned accused. Accused are on anticipatory bail. As per their record, no other trial/proceeding is pending against aforesaid accused in Women Police Station, Sector-17, Chandigarh.*
>
> *Since the matter has been compromised by the complainant with the accused without any pressure, coercion or threat from any side, who has no objection with regard to quashing of FIR on the basis of compromise, therefore, compromise is complete, genuine, valid and good in the eyes of law."*

5. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 24.02.2012 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 05.06.2023 (Annexure P-2). The 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 Hindu Marriage Act in terms of judgment and decree dated 12.10.2023 passed by the learned Additional District Judge, Chandigarh. The entire claim of respondent No.2 for permanent alimony and *Istri Dhan* has been settled. Respondent No.2 has withdrawn the application under Section 125 Cr.P.C and petitioner No.1 has withdrawn the petitioner under Section 9 of Hindu Marriage Act and 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.

7. After hearing the learned counsel for the parties and going through the

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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. 62 dated 04.09.2021 under Sections 498-A/406 IPC, registered at Police Station Women, Sector-17, 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.

14.11.2023 **(VIVEK PURI)**
renubala **JUDGE**

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

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