

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

**CRM-M-51670-2022(O&M)
Date of decision: 21.07.2023**

VISHAL KUMAR

...PETITIONER

VERSUS

**UNION TERRITORY OF CHANDIGARH AND
ANOTHER**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tushar Sabherwal, Advocate for the petitioner.

Mr. Rajiv Vij, Addl. PP, for UT, Chandigarh.

Mr. D.S.Nighar, Advocate for

Mr. Rohit Kumar Rana, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.87 dated 01.10.2016 under Sections 406/498-A IPC, registered at Women Police Station, Chandigarh (UT) and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 15.03.2023, parties were directed to appear before the Illaqa Magistrate/Duty 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 15.03.2023, learned Judicial Magistrate 1st Class, Chandigarh has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“There is only one accused in the present case and no other case/FIR is pending against him nor any PO proceedings are pending against the said accused. Since, the matter has been compromised by the complainant with the accused without any pressure, coercion or threat from any side, therefore, compromise is complete, genuine, valid and good in the eyes of law. The trial is pending for prosecution evidence.”

5. Learned counsel for the petitioners contend that the marriage of the petitioner was solemnized with respondent No.2 on 19.11.2016 and two children have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 14.09.2022 (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 10.07.2023 passed by the Court of learned Additional District Judge, Chandigarh. The petitioner has paid a sum of Rs.1,50,000/- to respondent No.2 in lieu of the jewellery/ornaments. The petitioner has transferred House No.353, Sector-56, Chandigarh in favour of the respondent No.2 and she has paid a sum of Rs.10,00,000/- to the petitioner in after the transfer of the house in terms of compromise deed. The entire claim of respondent No.2 for permanent alimony has been settled. The custody of the children shall remain with respondent No.2.

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 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*, upheld 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.87 dated 01.10.2016 under Sections 406/498-A IPC, registered at Women Police Station, Chandigarh (UT) and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

21.07.2023

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(VIVEK PURI)
JUDGE

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