

4.
RENU BALA
2023.09.12 14:01
I attest to the accuracy and
integrity of this document

CRM-M-51132-2022

-2-

Magistrate 1st Class, Kalka has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. In the present FIR nine accused have been arrayed as accused and all of them have appeared and made the statement before this Court.

2. No accused is absconding or have been declared proclaimed offender.

3. The only complainant-Vandana Sharma is victim/aggrieved person in this case and she also appeared and stated that compromise with the accused is voluntary, without any coercion or undue influence.

4. It is submitted that after going through the statements made by the parties and the accused persons, this Court is satisfied that the compromise between the parties is genuine, voluntary and without any coercion or undue influence.

5. No other case is pending against the accused persons.”

5. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 08.09.2021 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 01.11.2022 (Annexure P-3). 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 29.08.2023 passed by the learned Family Court, Panchkula. A sum of Rs.13,00,000/- has been paid on account of permanent alimony to respondent No.2. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else due payable to her. No other case is pending between the parties.

6. On instructions from ASI Saraoswati, learned State counsel submits that during the course of investigation, the petitioners were nominated as accused. However, during the course of investigation, petitioner Nos. 4 to 9 have

CRM-M-51132-2022

-3-

Nos.1 to 3. Furthermore, the offence under Section 354-C IPC has been deleted. However, it has been submitted that the report under Section 173 Cr.P.C depicting petitioner Nos.4 to 9 to be innocent has not yet been presented.

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

8. 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.

9. 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.

10. 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***.

11. 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.80 dated 21.04.2022 under Sections 406/498-A/354-C IPC (Sections 354/377/323/506/120-B IPC were added later on) registered at Police Station

CRM-M-51132-2022

-4-

therefrom, are ordered to be quashed, however, qua the petitioners.

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

11.09.2023

renubala

(VIVEK PURI)
JUDGE

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