

284

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.52545 of 2019(O&M)

Date of Decision: 18.12.2023

Varun Wadhera and Others

..... Petitioners

V/s.

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishal Sodhi, Advocate for the petitioners.

Mr. Harsimar Singh Sitta, D.A.G. Punjab.

Mr. R.S. Manhas, Advocate for respondent No.2.

Vivek Puri, J. (Oral)

1. The petitioners are seeking to quash the FIR bearing No.0101 dated 13.09.2019 under Sections 498-A, 406, IPC, 1860 registered at Police Station Division No.2, Pathankot, District Pathankot and all the other subsequent proceedings arising therefrom, on the basis of compromise.

2. On 09.12.2019, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

3. In compliance of the order dated 09.12.2019, the statements of the parties have been recorded and the learned Judicial Magistrate Ist Class, Pathankot, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“After going through the statements and the file, I am satisfied that both the parties have got recorded their statements voluntarily with regard to the compromise and the compromise is genuine one. It is submitted that:

i) There are only three accused/ petitioners i.e. Varun Wadhera, Rakesh Wadhera and Asha Wadhera arrayed in the petition before the Hon’ble High Court.

ii) *There is only one complainant i.e. Girija Wadhera and no other effected/ aggrieved party, except said Girija Wadhera, who is already respondent in the petition before the Hon'ble High Court."*

4. Learned counsel for the petitioners contends that the marriage of the petitioner No.1 was solemnized with respondent No.2 on 15.01.2014 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise (**Annexure P2**). The marriage of the petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955 in terms of judgment and decree dated 13.12.2019 passed by the learned Family Court, Pathankot. The petitioner No.1 has paid a sum of Rs.17.00 lacs as permanent alimony to respondent No.2. The respondent No.2 has received all her articles of *Istridhan* and nothing is due payable to her by the petitioner. The respondent No.2 has withdrawn the applications filed under Section 125 Cr.P.C. and Section 12 of Protection of Women from Domestic Violence Act. It has been further submitted that at the earlier instance, there was some dispute with regard to the payment but now the entire dispute has been settled and the respondent No.2 has no objection if the aforesaid FIR is quashed.

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, an offshoot of 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.0101 dated 13.09.2019 under Sections 498-A, 406, IPC, 1860 registered at Police Station Division No.2, Pathankot, District Pathankot and all the other subsequent proceedings arising therefrom, on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

18th December, 2023

Sonia Puri

**(VIVEK PURI)
JUDGE**

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