

...PETITIONERS

...RESPONDENTS

RENU BALA
2023.09.25 16:50
I attest to the accuracy and
integrity of this document

wherein he stated that he is the IO of the case. As per record, there are two accused namely Ashish Vicky and Uma Sharma arrayed in the present FIR. As per record there is no other FIR or case registered against any of the parties involved in present FIR. As per record there is no pending or previous PO proceedings against the said accused. Accused are on bail. There is one complainant/victim in the present case.

There are two accused in the present case and no other case/FIR is pending against them nor any PO proceedings are pending against the said accused. Since, the matter has been compromise by the complainant with the accused without any pressure, coercion or threat from any side, who have 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 02.05.2015 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation Centre, District Court, Chandigarh in terms of compromise dated 07.11.2019 (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 21.01.2021 passed by the learned Additional District Judge, Chandigarh. Petitioner No.1 has paid a sum of Rs.12,00,000/- on account of permanent alimony to respondent No.2. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else is due payable to her by the petitioners. 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

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.95 dated 05.08.2019 under Sections 406/498-A IPC, registered at Women Police Station, 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.

25.09.2023

renubala

(VIVEK PURI)
JUDGE

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