

264 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46510-2022
Date of decision: 08.01.2024

VIKRAM BATTA

.....Petitioner

versus

STATE OF U.T. CHANDIGARH AND ANR.

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Amandeep Singh, Advocate
for the petitioner.

Mr. Shashank Bhandari, Addl. P.P., U.T., Chandigarh.

Mr. Nonish Kumar, Advocate
for respondent No.2/complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.92 dated 11.12.2021, under Sections 406 and 498-A IPC, registered at Police Station Women Cell, Sector 17, Chandigarh (Annexure P-1), on the basis of compromise dated 11.02.2022 (Annexure P-2), between the parties.

2. It is contended on behalf of the petitioner that compromise has been effected between the parties. Marriage between petitioner No.1-husband and respondent No.2-wife has been dissolved by way of decree of divorce dated 23.11.2022, filed under Section 13-B of the Hindu Marriage Act, 1955, passed by the Court of Ms. Hargurjeet Kaur, learned Additional District Judge, Chandigarh. He further contended that respondent No.2-wife does not want to take any action against the petitioner-husband.

3. Learned counsel appearing on behalf of respondent No.2/complainant has confirmed the factum of compromise between the parties.

4. As per order dated 10.05.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

5. The report dated 01.07.2023 of the Judicial Magistrate, Ist Class, Chandigarh through the District & Sessions Judge, Chandigarh, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

“2. As per directions of Hon'ble High Court, on dated 30.05.2023 complainant Priyanka Sharma appeared and got recorded her statement that only one accused namely Vikram Batta son of Sh. Ranjit Singh has been arrayed in present FIR No. 92 dated 11.12.2021, registered under Sections 406, 498-A IPC, Women Police Station, Sector-17, U.T. Chandigarh. She is the only complainant/victim in the present case/FIR. Now with the intervention of well wishers, common friends and respectable persons, she has amicably settled the dispute with the accused Vikram Batta vide compromise deed Ex. CA dated 11.03.2022. The compromise is not the result of any fraud or misrepresentation and is the result of free will. This compromise has been effected which is genuine, voluntary and without any coercion or undue influence from any side. She reaffirmed the contents of compromise deed Ex. CA. There is no criminal case and appeal pending in any court of law between them. She has never been declared proclaimed offender in any case/FIR. The divorce between them has already been granted by Ld. Court of Ms. Hargurjeet Kaur, Ld. ADJ, Chandigarh vide order dated 23.11.2022.

3. Thereafter, accused Vikram Batta got recorded his statement that he has been arrayed as accused in FIR No. 92 dated 11.12.2021, registered under Sections 406, 498-A IPC, Women Police Station, Sector-17, U.T. Chandigarh. There is only one complainant/victim namely Priyanka Sharma in the present case FIR. Now with the intervention of well wishers, common friends and respectable persons, he has amicably settled his disputes with the complainant namely Priyanka Sharma vide compromise deed Ex. CA dated 11.03.2022. The compromise is not the result of any fraud or misrepresentation and is the result of free will. This compromise has been effected which is genuine, voluntary and without any coercion or undue influence from any side. He reaffirmed the contents of compromise deed Ex. CA. There is no criminal case and appeal pending in any court of law between them. He has never been declared proclaimed offender in any case/FIR. He is on anticipatory bail. The divorce between them has already been granted by Ld. Court of Ms. Hargurjeet Kaur, Ld. ADJ, Chandigarh vide order dated 23.11.2022.

4. Statement of ASI Ram Lubhaya, Belt No. 387/CHG, WPS, Sector-17, Chandigarh was also recorded wherein he stated that he is the IO in the present case and there is only one accused namely Vikram Batta arrayed in present FIR. There is only one complainant namely Priyanka Sharma D/o Sh. Kamal Sharma in the present case/FIR. As per record there is no pending or previous P.O. proceeding against abovementioned accused. No other trial/proceeding is pending against aforesaid accused in Women Police Station, Sector-17, U.T. Chandigarh. As per record, the accused is on anticipatory bail. 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.”

6. Learned State counsel has not raised any objection regarding the acceptance of the present petition.
7. Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.
8. The matter has been settled between the parties. Since respondent No.2-wife does not want to take any action against the petitioner-husband and marriage between petitioner-husband and respondent No.2-wife has been dissolved by way of decree of divorce dated 23.11.2022, filed under Section 13-B of the Hindu Marriage Act, 1955, passed by the Court of learned Additional District Judge, Chandigarh, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.
9. Consequently, this petition is allowed and FIR No.92 dated 11.12.2021, under Sections 406 and 498-A IPC, registered at Police Station Women Cell, Sector 17, Chandigarh (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.
10. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

08.01.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No