

314 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57359-2023
Date of decision: 15.01.2024

ROHIT VIG@ ROHIT VIJ**Petitioner**

versus

STATE OF UT CHD AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rahul Rana, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, Addl. P.P., U.T., Chandigarh.

Mr. Dharmender Singh, Advocate for
Mr. Aaryan Sharma, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] Prayer in the present petition filed by the petitioner is for quashing of FIR No.81 dated 23.11.2022, under Sections 498-A and 406 IPC, registered at Police Station Women, District Chandigarh on the basis of compromise dated 06.10.2023 (Annexure P-1), arrived at between the parties.

[2] Learned counsel for the petitioner contends that the present FIR was registered on account of a matrimonial dispute between the petitioner and respondent No.2-wife. However, by way of compromise dated 06.10.2023 (Annexure P-1), the parties have settled their dispute. The petitioner-husband has agreed to pay a sum of Rs.1,00,000/- to the respondent-wife on account of permanent alimony, as such, respondent No.2-wife does not want to pursue the present FIR. Both the parties have already filed joint petition for divorce under Section 13-B of Hindu Marriage Act, 1955. Joint statement of the parties (Annexure P-4) has also been recorded by the Additional District Judge, Panchkula

on 09.10.2023 wherein, part payment of Rs.75,000/- has been made by the petitioner to respondent No.2-wife and the petitioner has given an undertaking to make the remaining payment of Rs.25,000/- at the time of recording of the statement on second motion.

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

[4] On 15.11.2023 the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[5] The report dated 15.12.2023 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 the directions of Hon'ble High Court, accused namely Rohit Vig @ Rohit Vij appeared in the court on 01.12.2023 and got recorded his statement that he has been arrayed as accused in FIR No. 81 dated 23.11.2022, under Section 406, 498-A, IPC. Now with the intervention of well wishers, common friends and respectable persons, he has amicably settled his dispute with the complainant namely Mamta Vig. The copy of compromise deed dated 06.10.2023 is Ex. A-1. Compromise has been effected voluntarily and without any pressure or undue influence from any side. This compromise is valid, bonafide, voluntary and genuine and out of free will. He has never been declared proclaimed offender. He has appeared and is on bail. No other proceeding is pending against him. He reaffirmed the contents of the compromise deed.

3. Thereafter, complainant Mamta Vig appeared in the court on 01.12.2023 and got recorded her statement that she had got the above said FIR registered against the accused namely Rohit Vig @ Rohit Vij. Now with the intervention of well wishers, common friends and respectable persons, she has amicably settled the dispute with the accused vide compromise deed dated 06.10.2023. This compromise has been effected voluntarily and without any pressure or undue influence from any side. This compromise is

valid, bonafide, voluntary and genuine and now she has no grudge against the accused persons who have not been declared proclaimed offenders/persons. Accused has appeared and is on bail. No other proceeding is pending against the accused/petitioner. She has no objection, if the present FIR is quashed as per the compromise. Copy of compromise deed is Ex. A1. She reaffirmed the contents of the compromise.

4. *Thereafter, Inspector Balbir Singh, Belt no. 1139/CHG, appeared and got recorded his statement that he has been directed by the SHO police Station WPS, Sector 17, Chandigarh to appear and furnish the desired information as per order dated 15.11.2021 before the court. As per record there is no pending or previous P.O. proceeding against accused Rohit Vig @ Rohit Vij. So, no P.O. proceeding is pending against any of the party in the present case.*

5. *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 and they have decided to live separately; the parties have made a joint statement in a joint petition for divorce filed under Section 13-B of the Hindu Marriage Act, 1955 wherein, the matter regarding permanent alimony has also been mutually settled between the

parties; the petitioner has not been declared as Proclaimed Offender in this case; no other case is pending against the petitioner and respondent No.2-complainant does not want to pursue the present case against the petitioner, therefore, 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.81 dated 23.11.2022, under Sections 498-A and 406 IPC, registered at Police Station Women, District Chandigarh on the basis of compromise dated 06.10.2023 (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] However, the respondent No.2-wife and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 06.10.2023 (Annexure P-1) are violated.

[11] Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

15.01.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No