

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 11087 of 2015.
Date of Decision : 21.05.2015.

Vinod Kumar

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Achin Gupta, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab.

Tejinder Singh Dhindsa, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 44, dated 19.10.2014, under Section 498-A IPC, registered at Police Station Women Police Station, District Bathinda, on the basis of a compromise.

Since quashing of the FIR was sought on the basis of compromise, this Court while issuing notice of motion on 08.04.2015, had directed the parties to appear before the trial Court/Illaq Magistrate on 27.04.2015 for recording of their statements. Report as regards veracity of the compromise was also called for.

Placed on record is a report dated 05.05.2015 of the Judicial Magistrate Ist Class, Bathinda and a perusal of the same would reveal that the statements of the complainant, namely, Rekha Rani as also of the accused/present petitioner have been duly recorded and it has been opined that a compromise has been effected between the parties voluntarily and without any coercion or undue influence. Report would also show that as per compromise a petition under

Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent has already been filed, which is now pending before the Competent Court on 29.05.2015.

A Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052* has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non-compoundable offences.

Adverting back to the facts of the present case, wherein the matrimonial dispute between the parties has resulted in a final decision of parting ways amicably, it would be a fit case for this Court to intervene in exercise of its powers under Section 482 Cr.P.C. to bring to an end the criminal prosecution initiated in the light of the impugned FIR.

Accordingly, the present petition is allowed. Impugned FIR No. 44, dated 19.10.2014, under Section 498-A IPC, registered at Police Station Women Police Station, District Bathinda and all proceedings emanating therefrom stand quashed.

Petition allowed.

May 21, 2015.
kanchan

(TEJINDER SINGH DHINDSA)
JUDGE