

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-11967-2015

Date of Decision: August 25, 2015

Ajay Pal Aggarwal and others

.....Petitioners

Versus

State of U.T. Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Gopal Sharma, Advocate
for the petitioners.

Mr. Sukant Gupta, APP, U.T. Chandigarh
for respondent No.1.

Mr. Tarun Sharma, Advocate for
Mr. Bhupinder Ghai, Advocate
for respondent Nos.2 and 3.

- 1. Whether Reporters of local papers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest?**

NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C.,
is for quashing of FIR No.7 dated 04.01.2013, for the offences
punishable under Sections 406 and 498-A, registered at Police
Station, Sector-31, Chandigarh and all the consequential
proceedings arising therefrom, on the basis of compromise

(Annexure P-2).

Learned counsel for the petitioners submit that during the pendency of the impugned FIR, better sense has prevailed and both the parties sorted out their dispute and effected a compromise. In consequence of the said compromise, the petition under Section 13-B of Hindu Marriage Act was presented before learned Additional District Judge for grant of divorce by way of mutual consent. The said petition was accepted vide order dated 20.11.2013 (Annexure P-3) and a decree of divorce was passed.

Learned counsel for the State as well as learned counsel for respondent Nos.2 and 3 are *ad idem* that during the pendency of FIR, both the parties have resolved their dispute and effected a compromise (Annexure P-2). They further admit that the divorce by way of mutual consent has been granted by learned Additional District Judge, Chandigarh.

Learned counsel for the State submits that he has no objection, if the impugned FIR and all consequential proceedings arising therefrom, are quashed on the basis of compromise effected between the parties.

Learned counsel for respondent Nos.2 and 3 has also no objection to the prayer of the petitioners for quashing of the

said FIR.

In the matter of **Shlok Bhardwaj Vs. Runika Bhardwaj & Others, 2015(1) RCR(Criminal) 249**, Hon'ble the Supreme Court held that the dowry related criminal proceedings initiated by the wife, before filing of the divorce petition by mutual consent would terminate after the acceptance of the divorce petition.

The parties to the *lis* are *ad idem* that the matrimonial dispute has been resolved and they have effected a compromise.

In view of the judgments rendered in **Gian Singh Vs. State of Punjab and another, 2012(4) RCR(Criminal) 543**, and a 5-Judge Bench of this Court in the case of **Kulwinder Singh & others Vs. State of Punjab and another, 2007(3) RCR(Criminal) 1052**, the criminal proceedings can be terminated/quashed on the basis of compromise even in non-compoundable offences.

In view of the totality of facts and circumstances of the case, FIR No.7 dated 04.01.2013, for the offences punishable under Sections 406 and 498-A IPC, registered at Police Station, Sector-31, Chandigarh and all the consequential proceedings arising therefrom, are hereby quashed.

August 25, 2015
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(NARESH KUMAR SANGHI)
JUDGE