

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24189 of 2014

Date of Decision: 16.1.2015

Abhishek Kumar Arora

....Petitioner.

Versus

State of Punjab and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.  
HON'BLE MRS. JUSTICE SNEH PRASHAR.**

PRESENT: Mr. J.S. Brar, Advocate for the petitioner.

Mr. Karandeep Singh Deswal, DAG, Punjab.

Mr. HPS Rahi, Advocate for respondent No.2.

**AJAY KUMAR MITTAL, J.**

1. Reply by way of affidavit of respondent filed in Court is taken on record. A copy thereof has been supplied to the learned counsel for the petitioner.

2. The present petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 95 dated 11.6.2009, registered under Sections 406, 498-A, 506 of the Indian Penal Code, at Police Station City Khanna, District Ludhiana.

3. Learned counsel for the petitioner submitted that the FIR in question along with all subsequent proceedings arising therefrom be quashed on the basis of the statement made by the complainant-respondent No.2, the affidavit dated 9.1.2015 and the order dated

16.1.2015 passed by this Court in FAO-M-185 of 2013 titled as Harpreet Kaur v. Abhishek Kumar.

4. Learned counsel for respondent No.2 has no objection to the prayer of the learned counsel for the petitioner being allowed. The affidavit has also been filed supporting the quashing petition.

5. The issue regarding quashing of FIR in non-compoundable offences arising out of a matrimonial dispute came up before the Apex Court, wherein referring to the nature of offences being non-compoundable, in the case of **B.S. Joshi Vs. State of Haryana 2003(2)**

**RCR(criminal) 888**, it has been observed as under:-

“12. The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.

13. The observations made by this Court, though in a slightly different context, in *G.V. Rao v. L.H.V. Prasad & Ors.* [(2000) 3 SCC 693] are very apt for determining the approach required to be kept in view in matrimonial dispute by the courts, it was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could

have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their "cases" in different courts.

14. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hypertechnical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of Indian Penal Code.

15. In view of the above discussion, we hold that

the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.”

6. It was thus concluded by the Apex Court that the High Court in exercise of its inherent powers under Section 482 of the Code of Criminal Procedure can quash the criminal proceedings in matrimonial disputes in non-compoundable offences and Section 320 of the Code of Criminal Procedure does not limit such powers.

7. In view of the statement of Harpreet Kaur made on oath, the petition is allowed and the impugned FIR No. 95 dated 11.6.2009, registered under Sections 406, 498-A, 506 of the Indian Penal Code, at Police Station City Khanna, District Ludhiana is quashed.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**January 16, 2015**  
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**(SNEH PRASHAR)**  
**JUDGE**