

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

**Criminal Misc.No.M-29023 of 2015
Date of Decision: August 28, 2015**

Amar Somany

...Petitioner

Versus

State of Haryana & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Gaurav Arora, Advocate,
for the petitioner.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition is for quashing of FIR No.472, dated 16.11.2012, for the offences punishable under Sections 498-A and 506 read with Section 34, IPC, registered at Police Station, Model Town, Rewari, and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion.

At asking of the Court, Mr.Kuldeep Tiwari, Addl.AG, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State. Mr.Sumeet Pal Singh, Advocate, along with respondent No.2, who is present in the Court, accepts notice on behalf of respondent No.2/informant. The complete copies of the paper book have been supplied to learned counsel for the respondents. Learned counsel for the informant submits that Prerna Sharma (informant) has no objection if the impugned FIR and the consequential proceedings arising therefrom, are

quashed on the basis of compromise.

Statement on oath of Prerna Sharma (informant) has been recorded separately by this Court where she has admitted the factum of compromise (Annexure P-2). She also admits that her signatures are there on the photostat copy of the said compromise. She deposed that due to incompatible behaviour, she and Amar Somany could not pull on well and under misconception, she had lodged the impugned FIR. Due to intervention of the respectable and elderly people of the society, the matrimonial dispute has been resolved and they have decided to part company with each other. The daughter of the petitioner would remain with her father, Amar Somany. She has further stated that she had no objection if the impugned FIR and the consequential proceedings were quashed.

Learned counsel for the State, after going through the paper book, submits that the present case has arisen out of matrimonial dispute. He further submits that he has heard the statement suffered by the informant on oath before this Court therefore, he has no objection if the impugned FIR and the consequential proceedings are quashed on the basis of compromise.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Hon'ble the Supreme Court in the matter of Gian

Singh vs. State of Punjab & Anr. 2012(4) RCR (Criminal)
543 and **Kulwinder Singh and others Vs. State of Punjab**
and another, 2007(3) RCR (Criminal) 1052, a five-Judge Bench of this Court held that even if the offences were non-compoundable and were personal in nature, then while exercising the jurisdiction under Section 482, Cr.P.C., the High Court could order for quashing of the FIR and the consequential proceedings arising therefrom on the basis of compromise.

In view of the fact that the present criminal petition has arisen out of a matrimonial dispute and both the factions have amicably resolved their dispute, so the chances of conviction of the petitioner are bleak and, hence, pendency of the FIR and continuation of the trial would be a sheer abuse of the process of law.

As a sequel to the above and the law laid down in the matters of **Gian Singh** and **Kulwinder Singh's** cases (supra), the present petition is allowed and FIR No.472, dated 16.11.2012, for the offences punishable under Sections 498-A and 506 read with Section 34, IPC, registered at Police Station, Model Town, Rewari, and all the consequential proceedings arising therefrom are hereby quashed.

August 28, 2015
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(Naresh Kumar Sanghi)
Judge

