

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

***CRM No. M-3671 of 2015 (O&M)
Date of Decision: 26.03.2015.***

Vipin Kumar & others

--Petitioners

Versus

State of Haryana and another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rohit Rana, Advocate for
Mr. Kunal Dawar, Advocate for the petitioners.

Mr. M.S. Sidhu, Additional Advocate General, Haryana.

Mr. Jagjot Singh, Advocate for respondent No.2/complainant.

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TEJINDER SINGH DHINDSA.J.

The instant petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.256 dated 18.07.2010, under Sections 498-A/406/323/34 of the Indian Penal Code, registered at Police Station City Palwal, District Palwal on the basis of compromise.

While issuing notice of motion, this Court on 24.02.2015 had directed the parties to appear before the trial Court for recording of their statements and a report with regard to veracity of the compromise had been called for.

Placed on record is the report dated 13.03.2015 of the learned Judicial Magistrate 1st Class, Palwal and as per which the statements of the present petitioners/accused, namely, Vipin Kumar, Girraj Prasad and Lajja Devi as also that of the complainant, namely, Neeraj @ Rani have been duly recorded and it has been opined that a compromise had been entered into between the parties and the same is genuine and without any pressure or

coercion.

This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a Full Bench decision of this Court in ***Kulwinder Singh & others Vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052***. The Full Bench of this Court had examined the scope and ambit of the powers vested with the Courts under Section 482 Cr.P.C. and had categorically held that in appropriate cases, it would be open for the High Court to intervene and to set aside the criminal proceedings even in relation to offences which are not compoundable.

Adverting back to the facts of the present case, wherein dispute between the parties, which was essentially matrimonial in nature has been resolved. As per report furnished by the trial Court, the complainant i.e. wife of petitioner No.1 is now residing happily in the matrimonial home. Learned counsel for the complainant/respondent No.2 states that he has no objection as regards the quashing of impugned FIR.

Under such circumstances, continuation of criminal prosecution in furtherance of the impugned FIR would be construed as an abuse of the process of law as also of the Court.

Accordingly, petition is allowed. The impugned FIR No.256 dated 18.07.2010, under Sections 498-A/406/323/34 of the Indian Penal Code, registered at Police Station City Palwal, District Palwal and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

26.03.2015

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE