

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-43835 of 2014

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Date of decision:15.1.2015

Rahul Chopra and others

...Petitioners

v.

State of Punjab and another

...Respondents

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Tanu Bedi, Advocate for the petitioners.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mrs. Sanha alias Meenu, complainant-respondent No.2
present in person.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.26 dated 2.3.2011 (Annexure-P.1) registered for the offences under Sections 406, 498-A, 323, 506 and 34 IPC at Police Station City South Moga, District Moga and all other subsequent and consequential proceedings arising therefrom on the basis of compromise dated 25.11.2014 (Annexure-P.3).

The marriage of complainant-respondent No.2 Sanha alias Meenu was solemnized with Rahul Chopra on 6.5.2007 as per Hindu rites. However, due to temperamental differences between the husband and wife, matrimonial dispute arose between the parties and the above FIR

was got registered by complainant-respondent No.2 for the offences as mentioned above against the petitioners. Now with the intervention of respectable persons, both the parties have amicably agreed to settle the said dispute through the compromise entered into between them and decided to withdraw all the cases filed by both the parties against each other and their family members. The parties have entered into a compromise dated 25.11.2014 (Annexure-P.3) and the husband and wife have mutually decided to part ways and have already filed joint petition under Section 13-B of the Hindu Marriage Act, 1995 seeking divorce by mutual consent.

The complainant-respondent No.2 Sanha alias Meenu, who is present in the Court, states that she has already entered into compromise and a divorce petition has already been filed under Section 13-B of the Hindu Marriage Act. She further states that out of the settled amount of ₹15 Lacs, she has received ₹6.5 Lacs in the shape of demand draft and ₹2,13,746/- has been deposited in her saving account and the remaining amount will be received by her at the time of recording of statements of the parties on second motion. Respondent No.2 also stated that she has no objection if the present FIR and all subsequent proceedings arising therefrom are quashed.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer admits the factum of compromise and submits that the State would have no objection if the impugned FIR and all other subsequent proceedings arising therefrom are quashed.

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I have heard learned counsel for the parties and have gone through the record.

Since, the parties have agreed to settle their matrimonial dispute and differences amicably between themselves and have decided to part ways by seeking mutual divorce, the chances of ultimate conviction are bleak.

The Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, has held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable. Therefore, keeping in view the fact that the matrimonial dispute has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), this petition is allowed and FIR No.26 dated 2.3.2011 (Annexure-P.1) registered for the offences under Sections 406, 498-A, 323, 506 and 34 IPC at Police Station City South Moga, District Moga and all other subsequent and consequential proceedings arising out of the same are hereby quashed.

January 15, 2015.

(Inderjit Singh)
Judge

hsp