

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

238

Criminal Misc. No.M-44421 of 2014

Date of Decision: 20th August, 2015

Ashish Mahna @ Kumar Zeenat Mahna and another

....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: Hon'ble Mrs. Justice Daya Chaudhary

1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No
2. To be referred to reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Tarun Dhingra, Advocate for the petitioners.

Mr. Baljinder Singh Virk, DAG, Haryana.

Mr. C.S. Sharma, Advocate for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. by petitioners, namely, Ashish Mahna @ Kumar Zeenat Mahna and Shashi Mahna for quashing of FIR No.337 dated 02.07.2014, registered under Sections 498A, 406, 506 IPC at Police Station Camp Palwal, District Palwal, on the basis of compromise arrived at between the parties.

Brief facts of the case are that the marriage of petitioner No.1 was solemnized with respondent No.2 on 10.12.2006 and subsequently, some differences arose between them. On the basis of complaint made by respondent No.2, the aforesaid FIR was registered against the petitioners i.e. the husband

and mother-in-law of the complainant respectively.

Learned counsel for the petitioners submits that during pendency of the proceedings, with the intervention of the respectables of the society, a compromise was arrived at between the parties. He further submits that petitioner No.1 and the complainant now are residing together as husband and wife. Learned counsel also submits that the complainant has no objection in quashing of the FIR and other proceedings arising therefrom.

Learned State counsel as well as counsel for respondent No.2 have not disputed the submissions made by learned counsel for the petitioners.

Notice of motion was issued on 05.01.2015 and the parties were directed to appear before the trial Court for recording of their statements with regard to compromise. The trial Court was also directed to send a report to show as to whether the compromise arrived at between the parties is genuine and without any pressure from either side.

In response to the aforesaid direction, the parties appeared before the Chief Judicial Magistrate, Palwal and accordingly their statements were recorded. A report has been sent by the Chief Judicial Magistrate, Palwal, wherein, the factum of compromise has been affirmed. The parties to the dispute have specifically stated in their statements that the compromise has been arrived at between them and now they do not want to proceed further with the proceedings. It has also been mentioned therein that petitioner No.1, namely, Ashish Mahna @ Kumar Zeenat Mahna and respondent No.2-complainant, namely, Neha Mahna are residing together as husband and wife and the complainant has no objection in quashing of the FIR. It has also been mentioned therein that the compromise is as per their free will and without any

pressure from either side.

After hearing learned counsel for the parties and on perusal of the statements recorded by the Chief Judicial Magistrate, Palwal, it is clear that the dispute between the parties has been settled.

Since it is a matrimonial dispute, which has been settled by way of compromise and the complainant has no objection in quashing of the FIR on the basis of compromise, the continuation of proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution and it would not only be mere wastage of the time of the Court but it would also not be in the interest of both the parties. The purpose of compromise is to maintain peace and harmony in the relations. This Court has inherent powers under Section 482 Cr.P.C. to quash the criminal proceedings even in non-compoundable offences on the basis of compromise.

In view of the compromise arrived at between the parties and keeping in view the fact that the complainant has no objection in quashing of the FIR and other proceedings arising therefrom, the present petition is allowed and the impugned criminal proceedings arising out of FIR No.337 dated 02.07.2014, registered under Sections 498A, 406, 506 IPC at Police Station Camp Palwal, District Palwal, as well as all subsequent proceedings arising therefrom qua, petitioners, namely, Ashish Mahna @ Kumar Zeenat Mahna and Shashi Mahna are hereby quashed.

August 20, 2015
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(DAYA CHAUDHARY)
JUDGE