

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

Crl. Misc. No. M-5005 of 2015 (O&M)

Date of decision: June 30 , 2015

Deepak Rathi and others

.. Petitioners

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Abhimanyu Singh, Advocate
for the petitioners.

Mr. Baljinder Singh Virk. D.A.G. Haryana

Mr. N.S. Panwar, Advocate
for respondent No.2.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.99 dated 22.09.2008 (Annexure P-1), registered for offence punishable under Sections 498-A, 406, 323, 506 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Bhondsi, District Gurgaon along with all consequential proceedings arising therefrom, on the basis of the compromise dated 30.01.2015 (Annexure P-5).

As per case of the prosecution, petitioner No.1, husband and petitioners No.2 and 3 parents-in-law of respondent No.2-complainant, subjected her to cruelty and harassment on account of demand of dowry.

Upon notice, respondent No.1-State has put in appearance through Deputy Advocate General, Haryana and respondent No.2-complainant has put in appearance through Mr. N.S. Panwar, Advocate.

I have heard learned counsel for the parties and perused the case file.

Learned counsel for the petitioners has submitted that the matrimonial dispute between petitioner No.1 and respondent No.2 has been settled amicably and in pursuance to the compromise, petitioner No.1 and respondent No.2 have filed a petition under Section 13-B of Hindu Marriage Act, 1955 seeking divorce by mutual consent.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 24.03.2015 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Learned counsel for the respondent No.2-complainant has submitted that in view of the compromise (Annexure P-5), respondent No.2 has no objection if the impugned FIR (Annexure P-1) is quashed. Learned State counsel has also not disputed compromise (Annexure P-5).

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence punishable under Section 498-A IPC is not compoundable. In case ***Kulwinder Singh vs. State of Punjab***, 2007 (3) RCR (Crl.) 1052, Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers under Section 482 Cr.P.C. even if the offence is not

compoundable.

In the instant case, the compromise has been effected with the intervention of the respectables and now the parties want to part ways and wish to live in peace and harmony.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties to this petition but also for their families and ultimately the society at large. The offence in this case is not so heinous or serious that it cannot be settled by the parties through compromise.

In view of the above discussion, the instant petition is allowed and the impugned FIR (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

June 30, 2015
Sachin M.

(SURINDER GUPTA)
JUDGE