

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

CRL. MISC. No.M-6094 OF 2015
DATE OF DECISION : 21st May, 2015

Arun & others

.... Petitioners

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. J.S. Hooda, Advocate for the petitioners.

Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana.

Mr. H.P.S. Ishar, Advocate for respondent No.3.

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SURINDER GUPTA, J. (ORAL)

The petitioners have filed this petition under Section 482 of Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of the FIR No.685 dated 27.12.2014 (Annexure P-1) registered for offence punishable under Section 498-A, 328 and 406 IPC at Police Station Hodal District Palwal, on the basis of the compromise (Annexure 2).

Upon notice, Mr. Amritpal Singh Gill, Assistant Advocate General, Punjab has put in appearance on behalf of respondent No.1-State.

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

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 26.03.2015 stating therein that the compromise has been effected between

the complainant and the petitioners which appears to be voluntary in nature and without any pressure or coercion.

Heard.

Learned counsel for respondent No.3 submits that under the compromise petitioner No.1-Arun and respondent No.3-Soniya have taken divorce by filing petition under Section 13-B of the Hindu Marriage Act. They have also settled all other disputes, as such, the instant FIR is the only irritant which they have settled in a peaceful, amicable and cordial manner to get it quashed.

Learned State counsel submits that the investigation in the case is still pending.

The only obstacle in the way of accepting the compromise in order to quash the impugned FIR is that the offence under Section 498-A IPC is non-compoundable. In case ***Kulwinder Singh vs. State of Punjab***, 2007 (3) RCR (Crl.) 1052, the 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, as per the report of magistrate and contention of parties the matrimonial dispute between the petitioner No.1 and respondent No.3 has been settled with the intervention of respectables and relatives.

Keeping in view all the above facts, I am of the considered opinion that it is a fit case for quashing impugned FIR as keeping the case pending will not serve any purpose. The quashing of the FIR will provide

the parties opportunity to live in an amicable and peaceful atmosphere which is not only good for the parties to this petition but also to their families and ultimately the society at large.

As such, the instant petition is allowed and the impugned FIR (Annexure P-1) along with all consequential proceedings arising therefrom is quashed.

21st May, 2015
'raj'

(SURINDER GUPTA)
JUDGE