

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

Crl. Misc. No.M-1022 of 2016

Date of Decision: 11.04.2016

Ranjit Singh Kalsi and another

....Petitioners

Versus

U.T. Chandigarh and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the 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. Kamal Satija, Advocate
for the petitioner.

Mr. Gautam Dutt, APP U.T. Chandigarh.

Mr. Arun Dogra, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

Prayer in the present petition is for quashing of FIR No.97 dated 26.03.2014 registered under Sections 406 and 498-A IPC at Police Station Industrial Area, Chandigarh along with all other consequential proceedings arising therefrom on the basis of compromise.

The FIR, in question, was registered on the basis of statement made by complainant-respondent No.2, who is wife of petitioner No.1, wherein, certain allegations of demand of dowry and harassment were levelled. Due to temperamental differences, petitioner No.1 and respondent No.2 could not adjust with each other in their matrimonial life and hence, respondent No.2 filed a complaint. Subsequently, during pendency of the

proceedings, the matter was resolved between the parties with the intervention of respectable and a petition under Section 13-B of the Hindu Marriage Act for dissolution of their marriage was filed for grant of divorce with mutual consent.

As per directions issued by this Court on 13.01.2016, the statements of the parties were recorded, wherein, the factum of compromise has been affirmed.

Complainant-respondent No.2, while appearing before the trial Court, has specifically stated that she did not have any grudge against accused persons and did not want to proceed with the present case. She has also stated that she has no objection in quashing of FIR as well as other proceedings arising therefrom.

The dispute between the parties is of matrimonial nature and the same has been settled. Even a petition under Section 13-B of the Hindu Marriage Act has also been filed. As per settlement, it has been decided that the accused party will pay a sum of ₹ 3,20,000/- to the complainant-respondent No.2 in *lump sum* in lieu of permanent alimony i.e past, present and future maintenance and she will not raise any claim in future with regard to *istridhan*. Out of the settled amount of ₹ 3,20,000/-, an amount of ₹ 1,60,000/- will have to be paid at the time of executing the compromise deed and the second instalment of ₹ 80,000/- will have to be paid in the first week of October, 2015. The balance amount of ₹ 80,000/- will have to be paid at the time of second motion hearing in the petition filed under Section 13-B of the Hindu Marriage Act. Both the parties undertook to comply with the terms and conditions of the compromise. Complainant-respondent No.2 has no objection in quashing of FIR as well as other proceedings arising therefrom.

As per ratio of judgment of larger Bench of this Court in case

Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052, this Court has power to quash the criminal proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Cr.P.C in order to prevent the abuse of process of law or to secure the ends of justice.

The dispute between the parties has been settled by way of compromise and complainant-respondent No.2 has no objection, in quashing of FIR. Moreover, no purpose would be served, in case, the proceedings are allowed to continue, the ultimate result would be acquittal as the complainant is not going to support the case of the prosecution. The continuation of the proceedings would be an exercise in futility which will not only be the wastage of valuable time of the Court but it would also not be in the interest of both the parties.

Accordingly, the present petition is allowed and FIR No.97 dated 26.03.2014 registered under Sections 406 and 498-A IPC at Police Station Industrial Area, Chandigarh along with all consequential proceedings arising therefrom qua petitioners Ranjit Singh Kalsi and Kamlesh Kaur are hereby quashed.

11.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE