

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

**Criminal Misc. No. M-24287 of 2015
Date of decision: 27.02.2016**

Ashish Mehta and others

..Petitioners

Versus

State of Punjab 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. Yogesh Goel, Advocate
for the petitioners.

Ms. Ritu Punj, Addl. A.G., Punjab
for respondent No.1 – State.

Ms. Manpreet Kaur, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.94 dated 06.05.2012 registered under Sections 406, 498-A and 323 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Division No.5, Civil Lines, District Ludhiana and other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

The aforesaid FIR was registered on the basis of

complaint made by respondent No.2 wherein certain allegations with regard to demand of dowry and harassment were levelled. Subsequently, during pendency of the proceedings, a compromise was arrived at between the parties. As per terms and conditions of the compromise, a petition under Section 13-B of the Hindu Marriage Act, 1955 was filed for grant of divorce with mutual consent wherein statements of petitioner No.1 and respondent No.2 were recorded and the divorce petition was allowed on 28.01.2016.

The parties have sorted out their dispute by way of compromise and the complainant has no objection in quashing of the FIR. As per terms and conditions of the compromise, the parties have exchanged their respective articles and complainant-respondent No.2 has also received an amount of ₹42 lacs as full and final settlement towards all the claims of dowry articles, marriage expenses and past, present and future maintenance. There are certain other terms and conditions in the compromise relating to the custody of the child and both the parties have undertaken to abide by them.

The dispute between the parties is of matrimonial in nature and the same has been settled by way of compromise. The divorce petition filed with mutual consent has been allowed and the marriage has been dissolved. Complainant has no objection in quashing of the FIR and other proceedings. No purpose would be served in case the proceedings are continued in future as it will be wastage of precious time of the Court. Moreover, it would not be in the interest of the

parties as the complainant is not going to support the case of the prosecution.

It has been held by Five Judges' Bench of our own High Court in **Kulwinder Singh and others vs. State of Punjab and others, 2007(3) RCR (Criminal) 1052** that this Court has wide power to quash the criminal proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Criminal Procedure Code in order to prevent the abuse of the process of law or to secure the ends of justice.

Accordingly, the present petition is allowed and the impugned criminal proceedings arising out of FIR No.94 dated 06.05.2012 registered under Sections 406, 498-A and 323 read with Section 34 IPC at Police Station Division No.5, Civil Lines, District Ludhiana as well as all subsequent proceedings arising therefrom qua petitioners, namely, Ashish Mehta, Kailash Chander Mehta and Nirmal Mehta, are hereby quashed.

27.02.2016
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(DAYA CHAUDHARY)
JUDGE