

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

Crl. Misc. No.M-26115 of 2015

Date of Decision: 11.02.2016

Vishal Singh Deshraj and anotherPetitioners

Versus

State of Haryana and anotherRespondents

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. Sanjeev Kumar Panwar, Advocate
for the petitioners.

Mr. B.S. Virk, D.A.G., Haryana
for the respondent-State.

Mr. Mohan S. Rana, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C by the petitioners, namely, Vishal Singh Deshraj and Manjusha Deshraj for quashing of FIR No.627 dated 13.09.2013 registered under Sections 498-A, 323, 406, 506, 323/34 IPC at Police Station Gurgaon Sadar, District Gurgaon on the basis of compromise.

The FIR, in question, was registered on the basis of complaint made by respondent No.2. Petitioners are husband and mother-in-law, respectively of respondent No.2. However, during pendency of the proceedings, a compromise was arrived at between the parties with the

intervention of respectables of the locality and family members.

Learned counsel for the petitioners submits that as per settlement arrived at between the parties, an amount of ₹ 15 lacs has been settled to be paid to the complainant in *lumpsum* and a mutual divorce petition was filed, which is pending. The *lumpsum* amount includes past, future and mutual claims including *istridhan* and it has been decided that the complainant shall not claim anything in future out of the property of the petitioners and respondent No.2 will withdraw all the cases filed by her as per compromise.

Notice of motion in this case was issued on 07.08.2015 and the parties were directed to appear before the Chief Judicial Magistrate/Duty Magistrate, Gurgaon vide order dated 22.09.2015 for recording of their statements.

In pursuance to the said directions, the parties appeared before the Chief Judicial Magistrate, Gurgaon and their statements were accordingly recorded, wherein, the factum of compromise has been affirmed. Complainant has specifically stated in her statement that she has no objection in quashing of FIR and other proceedings. The compromise is without any pressure from either side. The terms and conditions in the compromise deed dated 20.07.2015, which has been signed by both the parties and counter signed by the witnesses is attached as Annexure P-2 with the petition. Both the parties undertook to fulfill their respective part. It has also been mentioned that in case, the present FIR is not quashed before the second motion of divorce petition filed by mutual consent then both the parties shall seek joint adjournment from the Family Court till the time, the present FIR is not quashed.

Since the dispute between the parties has been settled by way of compromise and the complainant is satisfied with the compromise and

she has no objection in quashing of the FIR; no purpose would be served, in case, the proceedings are allowed to be continued as 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 and 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. This Court has power to quash the proceedings on the basis of compromise.

The present case is of matrimonial nature and has been compromised between the parties. Complainant has no objection in quashing of FIR and other proceedings. By exercising powers under Section 482 Cr.P.C., the quashing of FIR would not only be in the interest of parties but it will save the valuable time of the Court.

Hon'ble the Apex Court in case ***Y. Suresh Babu vs State of A.P and another JT 1987(2) SC 361*** has also allowed the compromise even in case of non-compoundable offence i.e under Section 326 IPC.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052*** has held that there is no statutory bar under the Cr.P.C which can affect the inherent power of this Court under Section 482 Cr.P.C and the same cannot be limited to matrimonial cases alone. This Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C in order to prevent the abuse of law and to secure the ends of justice.

In various judgments of Hon'ble the Apex Court as well as of this Court, it has been held that the litigation can come to an end between the parties, in case, the object is to maintain peace and harmony in the relations.

In the present case, the compromise has been effected between

the parties with their free will and without any pressure. The continuation of proceedings in future would be futile as no purpose is going to be achieved in any manner.

Accordingly, the present petition is allowed and FIR No.627 dated 13.09.2013 registered under Sections 498-A, 323, 406, 506, 323/34 IPC at Police Station Gurgaon Sadar, District Gurgaon along with all consequential proceedings arising therefrom, qua petitioners Vishal Singh Deshraj and Manjusha Deshraj are hereby quashed.

11.02.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE