

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

**Criminal Misc. No. M-26928 of 2014
Date of decision: 28.01.2016**

Ashwani Kumar and others

..Petitioners

Versus

Union Territory, Chandigarh 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. Nirbhay Garg, Advocate
for the petitioners.

Mr. Parveen Chauhan, Advocate for
Mr. Gagandeep S. Wasu, APP, UT Chandigarh
for respondent No.1.

None for respondent No.2.

Daya Chaudhary, J.

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.126 dated 18.04.2012 registered under Sections 323, 406, 498-A, 506 and 120-B of Indian Penal Code (for short 'IPC') at Police Station Sector-11, Chandigarh and other consequential proceedings arising therefrom on the basis of compromise dated 28.05.2014 (Annexure P-2) arrived at between the parties.

The aforesaid FIR was registered on the basis of

complaint filed by respondent No.2-Sonu before Judicial Magistrate Ist Class, Chandigarh wherein allegations of giving beatings as well as demand of dowry were levelled against the accused persons. The petitioners are husband and in-laws of respondent No.2.

Learned counsel for the petitioners submits that the dispute arose between the parties due to temperamental differences as both petitioner No.1 and respondent No.2 could not lead their married life in a smooth manner. A complaint was filed before Judicial Magistrate Ist Class, Chandigarh for lodging of the FIR and thereafter, FIR was registered on the basis of allegations levelled in the complaint. During pendency of the proceedings with the intervention of respectable of the society, the matter was got settled between the parties.

While issuing notice of motion on 11.08.2014, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to the said directions issued by this Court, the parties have appeared before the trial Court and their statements were recorded. After recording of their statements, a report along with the statements of the parties has been sent, which is on record wherein the factum of compromise has been affirmed. It has also been mentioned in the report that the compromise arrived at between the parties is voluntary and without any pressure from either side. Complainant-respondent No.2 has specifically stated in her statement

that she has no grievance against her father-in-law, mother-in-law and sister-in-law and has entered into a compromise without any pressure or force. She has also stated that she has no objection in quashing of the FIR and other proceedings. It is also mentioned in the report that all the accused made a joint statement and have agreed to abide by all the terms and conditions mentioned in the settlement.

Since the dispute between the parties is matrimonial in nature and the same has been settled by way of compromise; complainant has no objection in quashing of the FIR and other proceedings, no purpose would be served in case proceedings are continued in future as it would amount to 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 in various judgments of this Court as well as of Hon'ble the Apex Court that this Court has power under Section 482 Cr.P.C to quash the criminal proceedings or to allow the compounding of offence in the event of compromise entered into by the parties even in the offences, which are non-compoundable, in view of the provisions of Section 320 Cr.P.C.

The Five Judges' Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052** has held that there is no embargo on exercising of inherent powers in the shape of Section 320 Clause IX Cr.P.C. or any other such curtailment, which can prevent the high Court to exercise

its inherent powers under Section 482 Cr.P.C.

In the present case, all necessary persons have been impleaded as party and complainant has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings. The compromise arrived at between the parties is in the interest of both the parties. A daughter was also born out of wedlock of petitioner No.1 and respondent No.2, but both the parties could not live together as husband and wife because of temperamental differences and now with the intervention of respectable and family members, they have mutually agreed to settle their dispute. Certain terms and conditions have been settled in the compromise including the filing of a petition for divorce under Section 13-B of the Hindu Marriage Act, 1955.

Accordingly, in view of the facts as mentioned above, the present petition is allowed and the impugned criminal proceedings arising out of FIR No.126 dated 18.04.2012 registered under Sections 323, 406, 498-A, 506 and 120-B IPC at Police Station Sector-11, Chandigarh as well as all subsequent proceedings arising therefrom qua the petitioners, namely, Ashwani Kumar, Pritam Singh, Bala Devi and Sunita are hereby quashed .

28.01.2016
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(DAYA CHAUDHARY)
JUDGE