

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

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**Criminal Misc. No. M-29786 of 2015 (O&M)
Date of decision: January 28, 2016**

Hem Lata and others

....Petitioners

versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Sunil Agnihotri, Advocate for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Harjot Singh Bedi, Advocate for respondent No.2.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioners, namely, Hem Lata, Amandeep Batish, Bharti Batish, Seema Sharma and Chetna Batish for quashing of FIR No.62 dated 19.06.2015 registered under Sections 498-A, 406 of the Indian Penal Code at Police Station City Malerkotla, District Sangrur (Annexure P-1) and other proceedings arising therefrom on the basis of compromise dated 21.08.2015 (Annexure P-2) arrived at between

the parties.

Learned counsel for the petitioners submits that a written compromise dated 21.08.2015 (Annexure P-2) with certain terms and conditions has been arrived at between the parties before Mediation and Conciliation Centre of this Court. As per terms and conditions of the compromise, Rs.6,60,000/- in lumpsum was to be paid to complainant-respondent No.2 out of which, an amount of Rs.1,65,000/- was to be paid at the time of filing of the petition for quashing of the FIR and a sum of Rs.1,65,000/- was to be paid at the time of quashing of the FIR and the same have already been paid to the complainant. A demand draft of Rs.1,65,000/- has also been handed over to the complainant, who is present in the Court and the same has been accepted by her. Respondent No.2, namely, Sheena Sharma has been identified by her counsel.

Learned counsel also submits that the remaining amount of Rs.1,65,000/- will be paid to the complainant at the time of recording of second stage statement in divorce petition filed under Section 13B of the Hindu Marriage Act which has already been filed.

Learned counsel for respondent No.2 has not disputed the factum of payment of the aforementioned amount as well as the compromise arrived at between the parties.

Heard arguments advanced by learned counsel for the parties and have also perused the documents available on record.

Admittedly, the parties have entered into a written

compromise (Annexure P-2) before Mediation and Conciliation Centre of this Court with certain terms and conditions and they have undertaken to abide by the same. The divorce petition has already been filed under Section 13B of the Hindu Marriage Act with mutual consent and the remaining amount of Rs. 1,65,000/- will be paid at the time of recording of second stage statement. Moreover, in compliance of order passed by this Court on 03.09.2015, the parties have appeared before learned Sub-Divisional Judicial Magistrate, Malerkotla and their statements were recorded. A report has been sent by the Sub-Divisional Judicial Magistrate, Malerkotla, wherein the factum of compromise has been affirmed. It has also been mentioned therein that the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR and other proceedings arising therefrom. It has also been mentioned therein that the compromise arrived at between the parties is as per their free will and without any pressure from either side and now they do not want to proceed with the proceedings any further.

Since it is a matrimonial dispute and the complainant has no objection in quashing of the FIR on the basis of compromise. Continuation of proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution. It would not only be mere wastage of valuable time of the Court but it would also not be in the interest of both the parties. This Court has inherent powers under Section 482 Cr.P.C. to quash the criminal

proceedings even in non-compoundable offences on the basis of compromise.

Accordingly, this petition is allowed and FIR No.62 dated 19.06.2015 registered under Sections 498-A, 406 of the Indian Penal Code at Police Station City Malerkotla, District Sangrur (Annexure P-1) as well as other proceedings arising therefrom qua petitioners, namely, Hem Lata, Amandeep Batish, Bharti Batish, Seema Sharma and Chetna Batish are hereby quashed.

However, it is made clear that in case of any lapse/breach is there on the part of either of the parties, the complainant shall be at liberty to file an application for revival of this order/petition.

January 28, 2016
sonia gugnani

(DAYA CHAUDHARY)
JUDGE