

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

**Criminal Misc. No. M-30735 of 2015
Date of decision: 11.05.2016**

Kapil Aggarwal and others

..Petitioners

Versus

State of Haryana 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: Ms. Tanu Bedi, Advocate
for the petitioners.

Ms. Soufia Gupta, AAG, Haryana
for respondent No.1 – State.

Mr. Harkeerat Singh, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.500 dated 13.11.2014 registered under Sections 498-A, 406, 323, 506 of Indian Penal Code (for short 'IPC') at Police Station Sushant Lok, Gurgaon on the basis of compromise arrived at between the parties.

The aforesaid FIR was registered on the basis of complaint made by respondent No.2. Petitioner No.1 filed Criminal Misc. No. M-43875 of 2014 for grant of anticipatory bail before this Court and during hearing of said petition, the matter was referred to

Mediation and Conciliation Centre of this Court. The dispute was settled between the parties with certain terms and conditions. It was also agreed that a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') would be filed. The compromise arrived at between the parties was reduced into writing and the same was signed by both the parties.

Learned counsel for the petitioners submits that as per compromise arrived at between the parties, the petition filed under Section 13-B of the Act has been allowed and the divorce has been granted with mutual consent. Respondent No.2-wife has received the amount as settled in the compromise and she has no objection in quashing of the FIR and other proceedings.

Learned counsel for respondent No.2 has also affirmed the submissions made by learned counsel for the petitioners with regard to compromise as well as allowing of petition under Section 13-B of the Act. Learned counsel also submits that respondent No.2 has received the amount as per compromise and has no objection in quashing of the FIR and other proceedings.

Heard arguments of learned counsel for the parties and have also perused the documents available on the file.

The dispute between the parties is matrimonial in nature and the same has been settled by way of compromise. The petition filed under Section 13-B of the Act has been allowed. Complainant-respondent No.2 has no objection in quashing of the FIR and other

proceedings. Moreover, no purpose would be served in case proceedings are allowed to be continued in future as it would amount to wastage of precious time of the Court.

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 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.500 dated 13.11.2014 registered under Sections 498-A, 406, 323, 506 of Indian Penal Code (for short 'IPC') at Police Station Sushant Lok, Gurgaon as well as all subsequent proceedings arising therefrom qua petitioners, namely, Kapil Agarwal, Manju Agarwal and Vinod Kumar Agarwal, are hereby quashed.

11.05.2016
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(DAYA CHAUDHARY)
JUDGE