

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-31833 of 2015

DATE OF DECISION: 26.02.2016

Gautam Chopra and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether reporters of local newspaper 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. Vikrant Pamboo, Advocate
for the petitioners.

Mr. B.S. Virk, DAG, Haryana.

Mr. Ravinder Partap Singh, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

Petitioners-Gautam Chopra, D.K. Chopra and Lalit Chopra are accused in case FIR No. 287 dated 2.8.2013 registered under Sections 323/406/506/498-A/34 IPC at Police Station Mahesh Nagar, District Ambala.

Aforesaid FIR was registered on the basis of complaint made by respondent No.2 alleging certain allegations of demand of dowry and harassment. After completion of investigation, challan was presented against the petitioners but subsequently with the intervention of the respectables and family members, the differences between the parties

were resolved and a compromise has been arrived at between the parties. On the basis of compromise, petitioner No.1 (husband of the complainant) and complainant-respondent No.2 filed petition under Section 13-B of the Hindu Marriage Act for grant of divorce with mutual consent. It was also decided that respondent No.2 will not pursue the petition filed under Section 125 Cr.P.C. and a petition for quashing of the FIR will also be filed before this Court.

While issuing notice of motion on 7.12.2015, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to the aforesaid direction issued by this Court, the parties appeared before Judicial Magistrate Ist Class, Ambala and their statements were recorded. 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 genuine and without any pressure from either side. A joint statement of the petitioners was also recorded, which was duly signed by them. Complainant-respondent has also specifically stated in her statement that she has settled the dispute with the accused persons and has no objection in quashing of the FIR and other proceedings. She has also stated that she has received all her dowry articles.

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. The purpose of the compromise is to maintain peace and harmony in the relations.

It has also 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. 287 dated 2.8.2013 registered under Sections 323/406/506/498-A read with Section 34 IPC at Police Station Mahesh Nagar, District Ambala as well as all subsequent proceedings arising therefrom qua petitioners, namely, Gautam Chopra, D.K. Chopra and Lalit Chopra, are hereby quashed.

February 26, 2016
pooja

(DAYA CHAUDHARY)
JUDGE