

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

**Criminal Misc. No. M-33296 of 2015
Date of decision: 10.03.2016**

Rahul Sehgal and another

..Petitioners

Versus

State of Punjab 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. Vipin Kumar Sharma, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab
for respondent No.1 – State.

Mr. Shiv Charan, Advocate
for respondent No.2.

Daya Chaudhary, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.50 dated 15.05.2015 registered under Sections 406, 498-A, 323, 506 of Indian Penal Code (for short 'IPC') at Police Station Women Cell Ludhiana, District Ludhiana and other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

The aforesaid FIR was registered on the basis of the complaint moved by complainant-respondent No.2-Natasha @ Smily Sehgal wherein certain allegations of demand of dowry and

harassment were levelled. During pendency of the proceedings, a compromise was arrived at between the parties on 17.08.2015 with the intervention of friends, relatives and respectables. Thereafter, the present petition has been filed for quashing of FIR on the basis of compromise. The terms and conditions of compromise have been mentioned in Panchayati compromise (Annexure P-2). It has been decided between the parties that a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') would be filed with mutual consent and all the dowry articles would be returned to the complainant. Custody of minor child would be handed over to accused-husband. Complainant will not claim custody of child in future. The said compromise has been signed by both the parties as well as witnesses.

Learned counsel for the petitioners submits that complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. Complainant has even stated in her statement recorded in compliance of directions issued by this Court on 28.11.2015 that the petition filed under Section 13-B of the Act has been allowed on 01.03.2016. The amount as settled in the compromise will include the past, present and future alimony. The custody of minor child has also been handed over to petitioner No.1- Rahul Sehgal. She has also stated that she has no objection in quashing of the FIR and other proceedings.

Learned counsel for respondent No.2 has also not

disputed the factum of compromise and other submissions made by learned counsel for the petitioners.

Heard arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR and the statements recorded before the Judicial Magistrate Ist Class, Ludhiana.

Complainant-respondent No.2 while appearing before the lower Court has stated that she has no objection in quashing of FIR and other proceedings as petition filed under Section 13-B of the Act has been allowed on 01.03.2016. Her claim with regard to past, present and future alimony has been settled. Nothing is due as custody of minor child has also been handed over to petitioner No.1- Rahul Sehgal.

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 result into 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 compromise is to maintain peace and harmony in the relations.

Moreover, this Court has inherent power under Section 482 Cr.P.C. to quash criminal proceedings even in case of non-

compoundable offences by considering the interest of both the parties and to meet out the ends of justice.

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.50 dated 15.05.2015 registered under Sections 406, 498-A, 323, 506 IPC at Police Station Women Cell Ludhiana, District Ludhiana as well as all subsequent proceedings arising therefrom qua petitioners, namely, Rahul Sehgal and Sudhish Sehgal, are hereby quashed.

10.03.2016
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(DAYA CHAUDHARY)
JUDGE