

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

**Criminal Misc. No. M-33325 of 2015
Date of decision: 17.03.2016**

Mohit Luthra

..Petitioner

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: Ms. Sushma Chopra, Advocate
for the petitioner.

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

Mr. J.S. Thind, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.48 dated 18.06.2015 registered under Sections 406, 498-A of Indian Penal Code (for short 'IPC') at Women Police Station, Amritsar City on the basis of compromise arrived at between the parties.

Briefly, the facts of the case are that marriage of petitioner was solemnized with respondent No.2 on 28.11.2011 but no issue was born out of said marriage. Due to some temperamental differences

arose between the parties, a complaint was made by the complainant, on the basis of which, the aforesaid FIR was registered. During pendency of the proceedings, the dispute was settled between the parties as the matter was referred to Mediation and Conciliation Centre of this Court while hearing of the anticipatory bail. An affidavit was also filed by the complainant affirming the factum of compromise arrived at between the parties and receipt of an amount of ₹3,50,000/-. It was also mentioned in the affidavit that the complainant has no objection in quashing of the FIR and other proceedings. As per settlement arrived at between the parties, a divorce petition was also to be filed with mutual consent and thereafter, a petition for quashing of FIR on the basis of compromise was to be filed.

The written agreement/settlement was prepared and the same was signed by both the parties wherein certain terms and conditions were mentioned, which are as under: -

“xxx

xxx

xxx

a) The parties have come to settlement against the payment of Rs.7 lacs (Rs. Seven Lacs) in total.

b) First party and second party will file a petition under Section 482 for quashing of the FIR registered by the complainant-Tamanna Luthra (second party) at the time of filing of the petition a sum of Rs.3,50,000/- (Three lac fifty thousand)

will be given to second party by first party.

c) Second party undertakes to assist in getting the FIR quashed before the Hon'ble High Court by way of personal appearance on the date fixed.

d) Both the parties have also decided that first party and second party will file a petition for mutual consent under section 13 B of the Hindu Marriage Act, before the competent Court at Amritsar on or before 30.09.2015 or on a date fixed with consent of both the parties.

e) Thereafter, on the date of second motion in the divorce proceedings first party undertakes to give the remaining 3.5 lacs to second party.

f) Both the parties have resolved the dispute and all the dowry articles in possession of first party or his family have been handed over to the complainant second party and the second party will have no objection if the first party takes possession of the articles, which are lying in the Police custody at Amritsar.

g) After the receipt of the amount of seven lacs as stated above nothing will be due towards alimony or any other expenses and all dues

stand cleared and nothing shall be due to the second party.

h) The parties have also resolved and have undertaken that they will not file any complaints or proceedings against each other in future in relation to this marriage and if any other application is pending apart from the FIR the same shall be withdrawn.”

In compliance of aforesaid terms and conditions, the present petition has been filed for quashing of FIR on the basis of compromise.

Learned counsel for the petitioner as well as learned counsel for respondent No.2 have affirmed the factum of compromise. Learned counsel for respondent No.2 also submits that respondent No.2 has no objection in quashing of the FIR and other proceedings.

The dispute between the parties is matrimonial in nature and the same has been settled by way of compromise. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. There is no justification in case, the proceedings are continued in future as the complainant is not going to support the case of the prosecution and it would result into wastage of precious time of the Court. Moreover, this Court has inherent power to quash criminal proceedings in the interest of both the parties.

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. 48 dated 18.06.2015 registered under Sections 406, 498-A of IPC at Women Police Station, Amritsar City as well as all subsequent proceedings arising therefrom qua petitioner, namely, Mohit Luthra, are hereby quashed.

17.03.2016
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(DAYA CHAUDHARY)
JUDGE