

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-33445 of 2015

DATE OF DECISION: 22.01.2016

Jai Bhagwan Goyal and others

.....Petitioners

Versus

State of Punjab 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. Vipul Aggarwal, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Kanwal Goyal, 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. 26 dated 24.8.2013 registered under Sections 406, 498-A IPC at Police Station NRI PS, District Jalandhar City, on the basis of compromise.

Petitioner No.1-Jai Bhagwan Goyal is father-in-law, petitioner No.2-Smt. Manju Goyal is mother-in-law and petitioner No.3-Nitin Goyal is husband of complainant-respondent No.2-Tanya Garg @ Tanya Goyal. The aforesaid FIR was registered against the petitioners on the basis of complaint made by complainant-respondent No.2 but subsequently with the

intervention of respectables of the society, the matter has been compromised between the parties. They have mutually decided to part ways as they could not remain together due to temperamental differences. Respondent No.2 had already been granted ex parte divorce by the competent Court of law at Jalandhar. Petitioner No.3 has undertaken not to challenge ex parte decree of divorce. It has been agreed by both the parties that they would not have any grouse against each other and no other claim is pending. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. Parties are not interested in pursuing the matter because of the compromise arrived at between them.

Notice of motion was issued on 30.9.2015 and the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to aforesaid directions issued by this Court, the parties have appeared before Chief Judicial Magistrate (NRI), Jalandhar and their statements with regard to compromise were recorded, which are on record. A report in this regard was also sent by Chief Judicial Magistrate NRI Division, Jalandhar, which is also on record. It has been stated in the report that the compromise arrived at between the parties is as per their free will and without any pressure from either side. Complainant-respondent No.2 has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings arising therefrom.

It is a matrimonial dispute and the same has been settled by way of compromise, complainant is satisfied with the compromise and she does not want to pursue the litigation against the accused persons. She has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings.

Since the parties have compromised their dispute and in view

of the compromise arrived at between the parties, no purpose would be served in case proceedings are continued as it would amount to wastage of precious time of the Court as the complainant is not going to support the case of the prosecution and as such its continuation would be futile exercise.

Accordingly by considering the compromise arrived at between the parties; by exercising the powers under Section 482 Cr.P.C. and also keeping in view the interest of the parties as well as their statements recorded before the trial Court, the present petition is allowed and impugned criminal proceedings arising out of FIR No. 26 dated 24.8.2013 registered under Sections 406, 498-A IPC at Police Station NRI PS, District Jalandhar City as well as all subsequent proceedings arising therefrom qua the petitioners, namely, Jai Bhagwan Goyal, Smt. Manju Goyal and Nitin Goyal are hereby quashed.

January 22, 2016
pooja

(DAYA CHAUDHARY)
JUDGE