

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

Crl. Misc. No.M-34076 of 2015

Date of Decision: 27.04.2016

Amit Chaudhary and anotherPetitioners

Versus

State of Haryana and anotherRespondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the 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. Naresh Kumar, Advocate
for the petitioners.

Mr. Sanjay Kumar Saini, A.A.G., Haryana
for the respondent-State.

Mr. Dheeraj Narula, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

Prayer in the present petition is for quashing of FIR No.856 dated 09.11.2011 registered under Sections 498-A/406/506/323/34 IPC at Police Station City Sirsa, District Sirsa along with all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties before District Mediation Centre Shri Ganganagar.

Briefly, the facts of the case are that the marriage between petitioner No.1 and respondent No.2 was solemnized on 19.05.2009. Out of the said wedlock, no child was born. Some misunderstanding arose

between the parties and both of them started to reside separately. After some time, complainant-respondent No.2 made a complaint against the petitioners, on the basis of which, the present FIR was registered. Not only the petitioners but other family members were also implicated but they were found innocent and challan was presented against the present petitioners only. Thereafter, the charge was also framed. However, after framing of charge, a good sense prevailed and with the intervention of respectables and family members, the dispute between the parties was settled before the District Mediation Centre Shri Ganganagar. On the basis of said settlement, a petition under Section 13-B of the Hindu Marriage Act was filed in the Court at Shri Ganganagar. As per terms and conditions of the compromise, the complainant was to make a statement for quashing of FIR and other proceedings arising therefrom.

Notice of motion in the case was issued on 04.11.2015 and thereafter, as per directions issued by this Court on 21.01.2016, the statements of the parties were recorded, wherein, the factum of compromise has been affirmed. Complainant-respondent No.2- Kamlesh Verma @ Shalu has specifically stated in her statement that she has settled the dispute with the accused persons and a petition under Section 13-B of the Hindu Marriage Act has also been filed, wherein, the joint statements of the parties were recorded. She has also stated that she has no objection in quashing of FIR and other proceedings arising therefrom.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR (Criminal) 1052*** has also observed that the proceedings can be quashed even in case of non-compoundable offences, in case, the compromise is there between the parties.

It is a matrimonial dispute and the same has been settled

between the parties. No purpose would be served in case the proceedings are allowed to continue in future as the complainant is not going to support the case of the prosecution because of compromise arrived at with the accused persons.

By exercising the powers under Section 482 Cr.P.C and by considering the interest of the parties, the present petition is allowed. FIR No.856 dated 09.11.2011 registered under Sections 498-A/406/506/323/34 IPC at Police Station City Sirsa, District Sirsa along with all consequential proceedings arising therefrom qua petitioners- Amit Chaudhary and Nirmala Chaudhary @ Nirmal Chaudhary are hereby quashed.

27.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE