

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

Crl. Misc. No.M-34950 of 2015

Date of Decision: 18.05.2016

Prince Kapoor

....Petitioner

Versus

The State of Punjab and another

....Respondents

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. J.K. Khetarpal, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent-State.

None for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No.83 dated 17.08.2013 registered under Sections 406 and 498-A IPC at Police Station Women Cell, Ludhiana along with all subsequent proceedings arising therefrom on the basis of compromise.

The FIR, in question, was registered on the basis of complaint made by respondent No.2, wherein, certain allegations of demand of dowry and harassment were alleged. However, during pendency of the proceedings, one of the accused, namely, Neelam Kapoor expired on 03.09.2013. Subsequently, a compromise was arrived at between the

parties, which was reduced into writing. The complainant-respondent No.2 has no objection in quashing of FIR as well as other proceedings arising therefrom.

Notice of motion in the case was issued on 12.10.2015 and vide Order dated 10.03.2016, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to the directions issued by this Court on 10.03.2016, the statements of the parties were recorded, wherein, the factum of compromise has been affirmed. After recording the statements of the parties, a report has been sent by Judicial Magistrate 1st Class, Ludhiana, stating therein, that the compromise effected between the parties is as per their free will and without any pressure. Complainant has no objection in quashing of the FIR as well as other proceedings arising therefrom.

Learned counsel appearing on behalf of the petitioner submits that a petition was filed under Section 13-B of the Hindu Marriage Act for dissolution of marriage, which was allowed and the marriage has been dissolved with mutual consent.

The statement made by learned counsel for the petitioner has not been disputed by learned counsel appearing on behalf of respondent No.2.

Heard the arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR; the statements of the parties and other documents available on the file.

The compromise arrived at between the parties is as per their free will and there is no pressure upon them from either side. Complainant-respondent No.2 has specifically stated in her statement that she has no objection in quashing of the FIR as well as other proceedings arising

therefrom.

It is a matrimonial dispute and the same has been settled between the parties. The petition filed under Section 13-B of the Hindu Marriage Act has been allowed. Complainant-respondent No.2 is satisfied with the compromise and she has specifically stated in her statement that she has no objection in quashing of the FIR in any manner and she does not want to proceed against the accused person.

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.

By exercising the powers under Section 482 Cr.P.C and keeping in view the interest of the parties, the present petition is allowed. FIR No.83 dated 17.08.2013 registered under Sections 406 and 498-A IPC at Police Station Women Cell, Ludhiana along with all consequential proceedings arising therefrom qua petitioner-Prince Kapoor are hereby quashed.

18.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE