

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

Crl. Misc. No.M-37780 of 2015

Date of Decision: 11.02.2016

Nitin Arora and others

....Petitioners

Versus

State of Haryana 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. Vivek Khatri, Advocate
for the petitioners.

Mr. B.S.Virk, D.A.G., Haryana
for the respondent-State.

Mr. Lajpat Sharma, Advocate
respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C by the petitioners, namely, Nitin Arora, Dev Raj Arora and Suman for quashing of FIR No.343 dated 28.05.2011 registered under Sections 498-A, 406, 323, 506/34 IPC at Police Station Civil Lines, Hisar, District Hisar, on the basis of compromise.

Petitioner no.1-Nitin Arora was married with respondent No.2-Poonam on 18.11.2007. Both of them remained together. Out of the said wedlock, a daughter was born on 17.04.2009. Thereafter, some misunderstanding arose between the parties. Respondent

no.2/complainant filed a complaint against her husband (petitioner No.1) and petitioners No.2 and 3. On the basis of complaint made by respondent No.2, the said FIR was registered. During pendency of the proceedings, with the intervention of respectables and family members, both the sides settled their dispute. As per compromise/settlement arrived at between the parties, petitioner No.1 and respondent No.2 filed a joint petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage. In the said petition, first stage statement has been recorded and out of the settled amount i.e ₹ 16 lacs, half of the amount has been paid to respondent No.2 and the remaining amount was to be paid at the second stage motion statement. Divorce was granted with mutual consent on 21.10.2015.

As per settlement arrived at between the parties, the present petition has been filed for quashing of FIR on the basis of compromise, wherein, notice of motion was issued on 04.11.2015. Thereafter, vide order dated 14.12.2015, the parties were directed to appear before the Illaqa Magistrate/trial Court for recording of their statements with regard to compromise.

In pursuance to said directions, 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 the Judicial Magistrate Ist Class, Hisar, which is on record. Complainant has specifically stated in her statement that the compromise has been arrived at with the accused person(s) and the same is without any pressure.

Learned counsel appearing for respondent No.2 has also affirmed the factum of compromise and dissolution of marriage with mutual consent.

Since the dispute between the parties has been settled by way of compromise and a divorce petition under Section 13-B of the Hindu

Marriage Act has been allowed on mutual consent; the complainant is satisfied with the compromise and she has no objection in quashing of the FIR and moreover, no purpose would be served, in case, the proceedings are allowed to be continued, the ultimate result would be acquittal as the complainant is not going to support the case of the prosecution. The continuation of the proceedings would be an exercise in futility and will not only be the wastage of valuable time of the Court but it would also be not in the interest of both the parties. This Court has power to quash the proceedings on the basis of compromise.

The present case is of matrimonial nature and has been compromised between the parties. Complainant has no objection in quashing of FIR and other proceedings. By exercising powers under Section 482 Cr.P.C., the quashing of FIR would not be only in the interest of parties but it will save the valuable time of the Court.

Hon'ble the Apex Court in case ***Y. Suresh Babu vs State of A.P and another JT 1987(2) SC 361*** has also allowed the compromise even in case of non-compoundable offence i.e under Section 326 IPC.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052*** has held that there is no statutory bar under the Cr.P.C which can affect the inherent power of this Court under Section 482 Cr.P.C and the same cannot be limited to matrimonial cases alone. This Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C in order to prevent the abuse of law and to secure the ends of justice.

In various judgments of Hon'ble the Apex Court as well as of this Court, it has been held that the litigation can come to an end between the parties, in case, the object is to maintain peace and harmony in the

relations.

In the present case, the compromise has been effected between the parties with their free will and without any pressure. The continuation of proceedings in future would be futile as no purpose is going to be achieved in any manner.

Accordingly, the present petition is allowed and FIR No.343 dated 28.05.2011 registered under Sections 498-A, 406, 323, 506/34 IPC at Police Station Civil Lines, Hisar, District Hisar along with all consequential proceedings arising therefrom, qua petitioners Nitin Arora, Dev Raj Arora and Suman are hereby quashed.

11.02.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE