

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

**Criminal Misc. No. M-3935 of 2016
Date of decision: 29.04.2016**

Varun Nagpal

..Petitioner

Versus

State of Haryana 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: Mr. Zorawar Singh, Advocate
for the petitioner.

Ms. Soufia Gupta, AAG, Haryana
for respondent No.1 – State.

Mr. Rakesh Dhiman, Advocate
for respondent No.2.

Daya Chaudhary, J.

Petitioner, namely, Varun Nagpal, is accused in FIR No.268 dated 27.05.2015, under Sections 498-A, 406, 323 and 506 of Indian Penal Code (for short 'IPC') at Police Station DLF Phase-II, Gurgaon registered at the instance of respondent No.2.

The marriage between the parties was solemnized on 03.05.2014 and both of them remained together for some time. Out of said wedlock, no child was born. Due to the temperamental differences, dispute arose between the parties and a altercation took

place between them. Complainant-wife made a complaint against the petitioner, on the basis of which, the aforesaid FIR was registered. Subsequently, with the intervention of the respectables of the society and family members, a compromise was arrived at between them. As agreed in the compromise, a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') was filed on 06.10.2015 and joint statement of the parties was recorded on that very day. Petitioner paid an amount of ₹5 lacs to respondent No.2 before the family Court and the balance amount of ₹10 lacs was undertaken to be paid at the time of recording of second motion statement.

Learned counsel for the petitioner submits that the petition filed under Section 13-B of the Act has been allowed and the amount settled in the compromise has also been paid to respondent No.2-wife.

Learned counsel for respondent No.2 has also affirmed the factum of compromise and also the receipt of amount as settled in the compromise.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR on the basis of compromise.

Since 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; it is apparent from the joint statement of the parties recorded in the petition filed under Section 13-B of the Act; the

marriage has been dissolved and now nothing remains between them as they have been separated happily. No purpose would be served in case the proceedings are continued in future as it would result into wastage of precious time of the Court.

This Court has power under Section 482 Cr.P.C. to quash the criminal proceedings or to allow compounding of the offences even in the offences, which are non-compoundable.

It has also 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. 268 dated 27.05.2015 registered under Sections 498-A, 406, 323 and 506 IPC at Police Station DLF Phase-II, Gurgaon as well as all subsequent proceedings arising therefrom qua petitioner, namely, Varun Nagpal, are hereby quashed.

29.04.2016
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(DAYA CHAUDHARY)
JUDGE