

Crl. Misc. No.M-38485 of 2015

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

Crl. Misc. No.M-38485 of 2015

Date of Decision: 25.05.2016

Surinder Oberoi and others

....Petitioners

Versus

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:- None for the petitioners.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Ms. Gurpreet Kaur, Advocate
for Mr. P.L. Singla, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

Petitioners-Surinder Oberoi, Madhu Oberoi and Subhash Oberoi are accused in case FIR No.203 dated 26.10.2010 registered under Sections 406/498-A IPC at Police Station Phillaur, District Jalandhar and have filed this petition for quashing of FIR along with all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

The FIR, in question, was registered at the instance of respondent No.2. The marriage between petitioner No.1 and respondent No.2 was solemnized on 28.01.2007 but no issue was born out of the said

wedlock. Because of temperamental differences, the parties could not live together and they started to remain separate since April, 2009. Respondent no.2 filed a petition against the petitioners under the provisions of Protection of Women from Domestic Violence Act and the other under Section 125 Cr.P.C. Similarly, petitioner No.3-Subhash Oberoi, father of petitioner No.1 and husband of petitioner No.2 filed a criminal case against respondent No.2, her brother-Sankalp Kwatra and mother-Parveen Kwatra vide FIR No.243 dated 20.06.2011 under Sections 323/506/325 IPC at Police Station Ambala City. The cancellation report was filed by the prosecution but petitioner No.3 filed a protest petition and respondent No.2 along with her brother and mother were summoned. Thereafter, a transfer petition was also filed by respondent No.2, her brother and mother before this Court for transfer of case from Ambala to Phillaur vide **Criminal Misc. No.M-32641 of 2014.**

During pendency of the petition, the matter was compromised between the parties. It was agreed that a joint divorce petition would be filed in the Court at Panchkula and petitioner No.1-husband of respondent No.2 was to pay an amount of ₹ 1,25,000/- by way of demand draft at the time of recording of first motion statement.

After issuance of notice of motion, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise. The parties have appeared before the Sub Divisional Judicial Magistrate, Phillaur and their statements were recorded. The factum of compromise has been affirmed from the statements of the parties. A report in this regard along with statements of the parties has been sent by Sub Divisional Judicial Magistrate, Phillaur.

The petition filed under Section 13-B of the Hindu Marriage Act has been allowed and the divorce has been granted on the basis of mutual

consent. The amount settled between the parties, in the compromise, has been paid to respondent No.2. Similarly, respondent No.2 has also withdrawn the cases filed by her under the Domestic Violence Act and for grant of maintenance under Section 125 Cr.P.C.

Both the parties have complied with the terms and conditions of the compromise and the complainant-respondent No.2 has no objection in quashing of FIR as well as 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. The divorce has been granted and the marriage between the parties has been dissolved by way of mutual consent; all litigation have been withdrawn and the complainant is satisfied with the compromise as the amount settled therein has been received by her.

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. 203 dated 26.10.2010 registered under Sections 406/498-A IPC at Police Station Phillaur, District Jalandhar along with all consequential proceedings arising therefrom qua petitioners-Surinder Oberoi, Madhu Oberoi and Subhash Oberoi, are hereby quashed.

25.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE