

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

**Criminal Misc. No. M-38927 of 2015
Date of decision: 03.05.2016**

Dr. Manjeet Singh Dahiya and others

..Petitioners

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. J.S. Cooner, Advocate
for the petitioners.

Mr. Sanjay K. Saini, Advocate
for respondent No.1 – State.

Mr. R.S. Kundu, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.73 dated 12.02.2012 registered under Sections 498-A, 406, 506, 342, 323 of Indian Penal Code (for short 'IPC') at Police Station Urban Estate, Rohtak on the basis of compromise arrived at between the parties.

The marriage between petitioner No.1 and respondent No.2 was solemnized in the year 2009 but after some time, temperamental differences arose between the parties and respondent No.2-wife moved a complaint, on the basis of which, the aforesaid FIR

was registered against the petitioners. Thereafter, investigation was conducted, challan was presented and charges were also framed under Sections 498-A, 406 and 506 IPC. During pendency of the proceedings before the trial Court, the dispute between the parties was amicably settled with the intervention of the respectables and well-wishers of both the parties. As per settlement arrived at between the parties, it was decided to file a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') with mutual consent. It was also decided to file a petition for quashing of FIR on the basis of compromise. Petitioner No.1 agreed to pay a total sum of ₹15 lacs to respondent No.2-wife and minor son as full and final one time settlement including permanent alimony and maintenance for past, present and future. The aforesaid amount was decided to be paid by way of demand draft in favour of respondent No.2 at the time of recording of second motion statement in the petition filed under Section 13-B of the Act.

Learned counsel for the petitioners submits that the compromise arrived at between the parties is as per their free will and without any pressure from either side. The petition filed under Section 13-B the Act has also been allowed.

Learned counsel for respondent No.2 has also affirmed the submissions made by learned counsel for the petitioners with regard to compromise as well as allowing of petition under Section 13-B of the Act. Learned counsel also submits that respondent No.2

has no objection in quashing of the FIR and other proceedings.

In response to the directions issued by this Court on 15.01.2016, the parties appeared before Judicial Magistrate Ist Class, Rohtak and their statements with regard to compromise were recorded. A report along with the statements of the parties has been sent, which is on record wherein the factum of compromise has been affirmed. It has also been mentioned in the report that the compromise arrived at between the parties is voluntary and without any coercion or undue influence. Complainant-respondent No.2-Dr. Shelja has specifically stated in her statement that the matter has been compromised and she has no objection in quashing of the FIR and other proceedings.

The dispute between the parties is matrimonial in nature and the same has been settled by way of compromise. The petition filed under Section 13-B of the Act has been allowed. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. Moreover, 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.

Hon'ble the Supreme Court in **B.S. Joshi vs. State of Haryana and another, 2003(2) RCR (Criminal) 888** has held that the

criminal proceedings can be quashed in matrimonial disputes where offences are non-compoundable.

Same view was 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. 73 dated 12.02.2012 registered under Sections 498-A, 406, 506, 342, 323 of Indian Penal Code (for short 'IPC') at Police Station Urban Estate, Rohtak as well as all subsequent proceedings arising therefrom qua petitioners, namely, Dr. Manjeet Singh Dahiya, Phul Kumar and Gyanendra Lather, are hereby quashed.

03.05.2016
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(DAYA CHAUDHARY)
JUDGE