

Crl. Misc. No.M-39198 of 2015

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

Crl. Misc. No.M-39198 of 2015

Date of Decision: 25.05.2016

Amit Kumar 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:- Mr. H.S. Jakhal, Advocate
for the petitioners.

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

Mr. Raman Goklaney, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.97 dated 21.07.2011 registered under Sections 406/498-A IPC at Police Station Muktsar City along with all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

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, a compromise was arrived at between the parties.

Notice of motion in the case was issued on 19.11.2015 and the parties were directed to appear before the trial Court for recording of their statements with regard to compromise. In compliance of directions issued by this Court, the statements of the parties were recorded, wherein, the factum of compromise has been affirmed.

Learned counsel for the petitioners submits that the marriage of petitioner No.1 and respondent No.2 has been dissolved by way of divorce with mutual consent in a petition filed under Section 13-B of the Hindu Marriage Act which has been allowed. The amount in *lump sum* as settled in the compromise has also been paid to the complainant.

The submission made by learned counsel for the petitioners has not been disputed by learned counsel for respondent No.2.

Heard the arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR as well as statements of the parties and the report sent by Judicial Magistrate Ist Class, Sri Muktsar Sahib.

It is a case of matrimonial dispute and the same has been settled. The petition filed under Section 13-B of the Hindu Marriage Act has been allowed and the amount in *lump sum* for past, present and future maintenance has been paid to respondent No.2. Complainant-respondent No.2 has no objection in quashing of FIR as well as other proceedings arising therefrom. Both the parties have complied with terms and conditions of compromise settled between them. The litigation pending between the parties has been withdrawn.

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 by considering the interest of the parties, the present petition is allowed. FIR No.97 dated 21.07.2011 registered under Sections 406/498-A IPC at Police Station Muktsar City along with all subsequent proceedings arising therefrom qua petitioners-Amit Kumar, Puran Chand, Asha Rani and Sumit Kumar, are hereby quashed.

25.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE