

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

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**Criminal Misc. No. M-39961 of 2014
Date of decision: January 21, 2016**

Nirmala Rani and another

....Petitioners

versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Kapil Khanna, Advocate for the petitioners.

Mr. Baljinder Singh Virk, DAG, Haryana.

Mr. Chirag Wadhwa, Advocate for respondent No.2.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioners, namely, Nirmala Rani and Anil Sapra for quashing of FIR No.763 dated 18.08.2010 registered under Sections 498-A, 315, 506, 120-B of the Indian Penal Code at Police Station City Karnal, District Karnal (Annexure P-1) and other proceedings arising therefrom on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners submits that during investigation, Sections 315 and 120B IPC were deleted and a divorce petition under Section 13B of the Hindu Marriage Act was filed which has been allowed. Respondent No.2/complainant has also re-married and she has no objection in quashing of the FIR and other proceedings arising therefrom.

The factum of compromise has been affirmed by learned counsel for respondent No.2. Learned counsel for respondent No.2 also submits that the complainant got re-married after getting divorce from petitioner No.1. The complainant is happy in her matrimonial life and now has no grouse against the accused persons.

Heard arguments advanced by learned counsel for the parties and have also perused the documents available on record.

Admittedly, the petition filed under Section 13B of the Hindu Marriage Act has been allowed and divorce has been granted with mutual consent. The complainant has also re-married and has no objection in quashing of the FIR and other proceedings arising therefrom as oral compromise was arrived at between the parties. The complainant now has no grouse against the accused-persons.

Since it is a matrimonial dispute which has been settled by way of compromise and the complainant has no objection in quashing of the FIR on the basis of compromise. The decree of divorce has already been passed under Section 13B of the Hindu Marriage Act by the trial Court and the complainant has also re-married. Continuation

of proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution. It would not only be mere wastage of valuable time of the Court but it would also not be in the interest of both the parties. This Court has inherent powers under Section 482 Cr.P.C. to quash the criminal proceedings even in non-compoundable offences on the basis of compromise.

Accordingly, this petition is allowed and FIR No.763 dated 18.08.2010 registered under Sections 498-A, 315, 506, 120-B of the Indian Penal Code at Police Station City Karnal, District Karnal (Annexure P-1) as well as other proceedings arising therefrom qua petitioners, namely, Nirmala Rani and Anil Sapra are hereby quashed.

January 21, 2016
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(DAYA CHAUDHARY)
JUDGE