

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

Crl. Misc. No.M-40323 of 2015

Date of Decision: 18.05.2016

Karan Wadera and another

....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. Vaibhav Narang, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent-State.

Mr. Subhash Chand, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No.28 dated 14.02.2015 registered under Section 498-A IPC at Police Station B Division, District Amritsar City along with all subsequent proceedings arising therefrom on the basis of compromise.

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 levelled. The marriage between petitioner No.1 and respondent No.2 was solemnized on 30.07.2010. After some time, certain differences arose between the parties and the said FIR was registered.

However, during pendency of the proceedings, an amicable settlement arrived at between the parties and the dispute between them was settled by way of compromise.

Learned counsel for the petitioners submits that a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage with mutual consent was filed and the same has been allowed. The permanent maintenance for past, present and future as settled in the compromise has been paid to the complainant.

Learned counsel appearing on behalf of respondent No.2 has also not disputed the submissions made by learned counsel for the petitioners.

In response to the directions issued by this Court on 30.11.2015, the statements of the parties were recorded, wherein, the factum of compromise has been affirmed.

Heard arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR as well as the compromise arrived at between the parties, which is annexed as Annexure P-1 with the petition, wherein, certain terms and conditions have been specified. Learned counsel for the parties have fairly admitted that all terms and conditions of the compromise have been complied with and the petition filed under Section 13-B of the Hindu Marriage Act for dissolution of marriage has also been allowed. The amount settled between the parties has been paid to complainant-respondent No.2.

It is a matrimonial dispute and the same has been settled between the parties by way of compromise. The complainant is happy/satisfied with the compromise and she has no grouse against the petitioners in any manner. The continuation of the proceedings would be a futile exercise as the petition filed under Section 13-B of the Hindu

Marriage Act for dissolution of marriage with mutual consent has been allowed and the amount settled between the parties has been paid to the complainant. Complainant has specifically stated in her statement recorded in compliance of directions issued by this Court that she has no objection in quashing of FIR as well as other proceedings arising therefrom. The parties have settled their dispute and they have decided to remain separate from each other. Now no litigation is pending between them.

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.28 dated 14.02.2015 registered under Section 498-A IPC at Police Station `B' Division, District Amritsar City along with all consequential proceedings arising therefrom qua petitioners-Karan Wadera and Sudhir Wadera are hereby quashed.

18.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE