

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-40903 of 2015

DATE OF DECISION: 29.03.2016

Raj Kumar and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper 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. Sahil Gambhir, Advocate
for the petitioners.

Mr. Arun Kumar, AAG, Haryana.

None for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 182 dated 21.7.2012 registered under Sections 498-A,406,323,506 IPC at Police Station Badshahpur, District Gurgaon and all other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered against husband, father-in-law, mother-in-law and other family members on the basis of complaint made by respondent No.2, wherein, certain allegations of demand of dowry and harassment were levelled but the challan was presented against the petitioners only. During pendency of the proceedings, a compromise was

arrived at between the parties with the intervention of the family members, relatives and with the efforts of Mediation and Conciliation Centre. In view of the compromise arrived at between the parties, now the present petition has been filed for quashing of the said FIR.

While issuing notice of motion on 11.12.2015, a direction was issued to both the parties to appear before the trial Court for recording of their statements with regard to compromise.

In response to the said direction issued by this Court, the parties have appeared before JMJC, Gurgaon and their statements 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 genuine and without any pressure from either side. Complainant-respondent No.2 has specifically stated in her statement that she has settled the dispute with the accused persons and has no objection in quashing of the FIR and other proceedings.

Since the dispute between the parties is matrimonial in nature and the same has been settled by way of compromise; complainant has no objection in quashing of the FIR and other proceedings, no purpose would be served in case proceedings are continued in future as it would amount to wastage of precious time of the Court. Moreover, it would not be in the interest of the parties as the complainant is not going to support the case of the prosecution. The purpose of the compromise is to maintain peace and harmony in the relations.

It has also been 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. 182 dated 21.7.2012 registered under Sections 498-A, 406, 323, 506 IPC at Police Station Badshahpur, District Gurgaon as well as all subsequent proceedings arising therefrom qua petitioners, namely, Raj Kumar, Roop Chand and Smt. Krishna, are hereby quashed.

March 29, 2016
pooja

(DAYA CHAUDHARY)
JUDGE