

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

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**Criminal Misc. No. M-40988 of 2015
Date of decision: 23rd February, 2016**

Vaneet Kumar and another

....Petitioners

versus

State of Punjab 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. Salil Bali, Advocate for the petitioners.

Mr. T.N. Sarup, Addl. A.G., Punjab.

Ms. Neha Gupta, Advocate for respondent No.2.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioners, namely, Vaneet Kumar and Usha Rani for quashing of FIR No.16 dated 18.04.2015 registered under Sections 406/498-A/34 of the Indian Penal Code at Police Station Women Cell, Ferozepur, District Ferozepur (Annexure P-1) and other proceedings arising therefrom on the basis of compromise arrived at between the parties.

Brief facts of the case are that the marriage of petitioner No.1 was solemnized with respondent No.2 on 17.05.2011 and subsequently, some differences/misunderstanding arose between them. On the basis of complaint made by respondent No.2, the aforesaid FIR was registered against the petitioners.

Learned counsel for the petitioners submits that during pendency of the proceedings, with the intervention of the relatives and respectables of the locality, petitioner No.1 and respondent No.2 have settled their dispute amicably and now they are residing together as husband and wife. Learned counsel also submits that the complainant has no objection in quashing of the FIR and other proceedings arising therefrom.

Learned counsel for respondent No.2 has affirmed the factum of compromise arrived at between the parties.

Notice of motion was issued on 03.12.2015. The parties were directed to appear before the Illaqa Magistrate/trial Court for recording of their statements with regard to compromise. The Illaqa Magistrate/trial Court was also directed to send a report as to whether the compromise arrived at between the parties is genuine and without any pressure from either side or not.

In response thereto, the parties have appeared before learned Chief Judicial Magistrate, Ferozepur and their statements were recorded. A report has also been sent by the Chief Judicial Magistrate, Ferozepur, wherein the factum of compromise has been

affirmed. It has also been mentioned therein that the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR and other proceedings arising therefrom. The complainant has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings arising therefrom and she is residing happily in her matrimonial home with her husband as well as her in-laws and no dispute is pending between them. It has also been mentioned therein that the parties to the dispute have specifically stated in their respective statement that the compromise arrived at between them is as per their free will and without any pressure from either side and now they do not want to proceed with the proceedings any further.

Since it is a matrimonial dispute which has been settled by way of compromise and the parties are residing together as husband and wife and the complainant has no objection in quashing of the FIR and other proceedings arising therefrom. There is no justification in continuation of the proceedings and it 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/welfare 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.16 dated 18.04.2015 registered under Sections 406/498-A/34 of the Indian Penal Code at Police Station Women Cell, Ferozepur, District Ferozepur (Annexure P-1) as well as other proceedings arising therefrom qua petitioners, namely, Vaneet Kumar and Usha Rani are hereby quashed.

February 23, 2016
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(DAYA CHAUDHARY)
JUDGE