

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

**Criminal Misc. No. M-41494 of 2015
Date of decision: 17.03.2016**

Rajeev Banga

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers 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. Dalip K. Tuteja, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana
for respondent No.1 – State.

Mr. Sandeep Jasuja, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.768 dated 29.10.2013 registered under Sections 323, 406, 498-A, 506 of Indian Penal Code (for short 'IPC') at Police Station Nuh, Mewat on the basis of compromise arrived at between the parties.

The marriage between the petitioner and respondent No.2 was solemnized on 22.04.2008 and out of said wedlock, a daughter was also born on 28.01.2009. Due to differences arose between the parties, the aforesaid FIR was registered on the basis of complaint made by respondent No.2 against the petitioner and his relatives.

Respondent No.2 filed an application before this Court for transfer of petition filed by the petitioner under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') from the Court of District Judge, Panipat to the Court of District Judge, Nuh. The matter was referred to Mediation and Conciliation Centre of this Court and the dispute was settled between the parties. Both the parties decided to drop the proceedings initiated against each other. A written compromise was prepared, which was duly signed by both the parties. As per terms and conditions of the written compromise, a petition under Section 482 Cr.P.C. for quashing of FIR and other proceedings on the basis of compromise was to be filed and the same has been filed. A joint petition filed under Section 13-B of the Act has been signed by both the parties on 02.12.2015.

Learned counsel for the petitioner as well as learned counsel for respondent No.2 have also affirmed the factum of compromise arrived at between the parties.

In compliance of directions issued by this Court on 29.01.2016, the parties appeared before the Additional Chief Judicial Magistrate, Mewat for recording of their statements with regard to compromise. A report along with the statements of the parties has been sent, which is on record wherein the factum of compromise has been affirmed. Complainant-respondent No.2 has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings. The compromise effected between the parties is

voluntarily and without any pressure.

The dispute between the parties is matrimonial in nature and the same has been settled by way of compromise. A petition under Section 13-B of the Act has been filed. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. Moreover, no purpose would be served in case proceedings are continued in future as it would result into wastage of precious time of the Court. Moreover, this Court has inherent power to quash criminal proceedings in the interest of both the parties.

It has 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.768 dated 29.10.2013 registered under Sections 323, 406, 498-A, 506 IPC at Police Station Nuh, Mewat as well as all subsequent proceedings arising therefrom qua petitioner-Rajeev Banga, are hereby quashed.

17.03.2016
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(DAYA CHAUDHARY)
JUDGE