

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-42610 of 2015

DATE OF DECISION: 29.01.2016

Umesh Dahiya 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. KK Saini, Advocate
for the petitioners.

Mr. B.S. Virk, DAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under section 482 Cr.P.C. for quashing of FIR No. 574 dated 27.11.2012 registered under Sections 323/406/498-A/506/34/120-B IPC at Police Station Gharaunda, District Karnal, on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered on the basis of complaint made by complainant-respondent No.2, wherein, allegations with regard to demand of dowry and harassment were levelled. Initially an application under Section 12 of Protection of Women from Domestic Violence Act and thereafter petition under Section 125 Cr.P.C was filed by respondent No.2. During pendency of the litigation between the parties, the matter was referred to Mediation and Conciliation Centre at Karnal, where, both the

parties have settled their dispute and decided to live together. It was also settled between the parties that all the cases filed by them against each other will be withdrawn.

Notice of motion was issued in the case on 17.12.2015 and both the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to the aforesaid directions issued by this Court, the parties appeared before Judicial Magistrate Ist Class, Karnal and their statements were recorded, wherein, factum of compromise has been affirmed. As per report sent by JMIC, Karnal, the compromise effected between the parties is genuine and without any pressure from either side. The complainant has specifically stated in her statement that she has no objection in quashing of the FIR. It has also been stated that she does not want to pursue with the litigation against accused persons.

The dispute between the parties has been settled by way of compromise and complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. The compromise effected between the parties is in the interest of justice as both of them have started residing together. No purpose would be served in case proceedings are continued in future as the complainant will not support the case of the prosecution.

As per provisions of Section 320 Cr.P.C., there is a bar in compounding of the offence. In the present case all the offences are compoundable except Section 498-A IPC. This Court has inherent power to quash the proceedings even in those cases where offences are non-compoundable. It has been held by Five Judges Bench of this Court in a judgment rendered in **Kulwinder Singh v. State of Punjab** 2007(3) R.C.R.

(Cri) 1052 that criminal proceedings can be quashed even in non-

compoundable offences.

Accordingly by exercising powers provided under Section 482 Cr.P.C., the present petition is allowed and impugned criminal proceedings arising out of FIR No. 574 dated 27.11.2012 registered under Sections 323/406/498-A/506/34/120-B IPC at Police Station Gharaunda, District Karnal as well as all subsequent proceedings arising therefrom qua petitioners, namely, Umesh Dahiya, Suraj Parkash, Phool Devi and Shashi are quashed.

January 29, 2016
pooja

(DAYA CHAUDHARY)
JUDGE