

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

Crl. Misc. No.M-43185 of 2014

Date of Decision: 09.05.2016

Arun Gupta

....Petitioner

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. Daman Dhir, Advocate
for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Ms. Luvdeep Kaur, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.18 dated 05.03.2012 registered under Sections 406/498-A IPC at Police Station Phase XI, S.A.S. Nagar, Mohali along with all consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Briefly, the facts of the case are that the marriage of the petitioner with complainant-respondent No.2 was solemnized on 17.02.2009. They remained together in their matrimonial home but due to

constrained relations between them, they started to live separately since 2010. Subsequently, the dispute between the parties was settled and as per compromise arrived at between the parties, a petition under Section 13-B of the Hindu Marriage Act was to be filed. As per terms and conditions of the compromise, the petitioner had paid an amount of ₹ 85,000/- as permanent alimony before filing of petition under Section 13-B of the Hindu Marriage Act. All dowry articles were returned to the complainant at the time of compromise. It was also decided to withdraw the petition filed by the complainant under Domestic Violence Act. The marriage between the parties was also dissolved by way of petition filed under Section 13-B of the Hindu Marriage Act.

Learned counsel for the petitioner submits that the petition filed under Section 13-B of the Hindu Marriage Act has been allowed and the divorce has been granted with mutual consent. All terms and conditions of the compromise have been complied with by both the parties. The petition filed under the Domestic Violence Act has also been withdrawn.

Learned counsel for the complainant has also not disputed the submissions made by learned counsel for the petitioner. She further submits that the complainant has no objection in quashing of the FIR as well as other proceedings arising therefrom.

Heard the arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR as well as other documents available on the file, including the decree of divorce granted in a petition filed under Section 13-B of the Hindu Marriage Act. Both the parties are satisfied with the compromise and the complainant has no objection in quashing of FIR as well as other proceedings arising therefrom.

It is a case of matrimonial dispute and the same has been

settled between the parties. No purpose would be served in case the proceedings are allowed to be continued in future as the complainant is not going to support the case of the prosecution because of compromise arrived at with the accused.

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.

Accordingly, the present petition is allowed and FIR No.18 dated 05.03.2012 registered under Sections 406/498-A IPC at Police Station Phase XI, S.A.S. Nagar, Mohali along with all consequential proceedings arising therefrom, qua petitioner-Arun Gupta are hereby quashed.

09.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE