

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

Crl. Misc. No.M-43893 of 2015

Date of Decision: 04.05.2016

Parvinder Singh and others

....Petitioners

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. Veneet Soni, Advocate
for the petitioners.

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

DAYA CHAUDHARY, J.

Prayer in the present petition is for quashing of FIR No.5 dated 08.01.2015 registered under Sections 406/498-A IPC at Police Station Phase-I, Mohali (SAS Nagar) along with all consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

The FIR, in question, was registered on the basis of complaint made by respondent No.2-Ritu Bala. Petitioner No.1 was working in Dubai before marriage and has come to India on vacations for marriage with respondent No.2. As per allegations in the complaint, after three-four days of the marriage, the differences arose between the parties and petitioner

No.1-husband remained with the complainant only for a period of 1½ months. Certain allegations of demand of dowry and harassment were levelled in the complaint. However, during pendency of the proceedings, the parties settled their dispute with the intervention of respectables and family members from both the sides. Certain terms and conditions were settled between the parties. In the compromise, it was decided that petitioner No.1-husband will pay an amount of ₹ 3,25,000/-, in total and the child will remain with him.

Learned counsel for the petitioners submits that the amount settled between the parties has been paid to respondent No.2 and as per statement of the complainant recorded before the lower Court, she has no objection in quashing of FIR as well as other proceedings arising therefrom.

In spite of service, none has put in appearance on behalf of respondent No.2 but the statement of the complainant is on record, which was recorded as per directions issued by this Court on 27.02.2016.

On perusal of statements of the parties and the report sent by Chief Judicial Magistrate, SAS Nagar Mohali, it is apparent that a compromise has been arrived at between the parties. Complainant has specifically stated in her statement that she has entered into compromise with the accused persons and has also received an amount of ₹ 3,25,000/- by way of cheque as full and final payment. The compromise arrived at between the parties is without any pressure from either side. She has also stated that she does not want to pursue the FIR and has no objection in quashing of FIR as well as other proceedings arising therefrom.

The dispute between the parties has been settled by way of compromise. The complainant has also received the settled amount. The custody of child has been stated to be given to petitioner No.1. All terms and conditions of the settlement have been complied with and now the

complainant has no grievance against the petitioners.

It is a matrimonial dispute and both the parties have sorted out their differences by way of compromise. 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.5 dated 08.01.2015 registered under Sections 406/498-A IPC at Police Station Phase-I, Mohali (SAS Nagar) along with all consequential proceedings arising therefrom, qua petitioners-Parvinder Singh, Mohinder Kaur, Dev Raj, Lakhwinder Singh, Seema and Gian Chand are hereby quashed.

However, in case, any violation of terms and conditions of the compromise arrived at between the parties is there, the complainant is at liberty to move application for recalling of said order.

04.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE