

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

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**Criminal Misc. No. M-7078 of 2015
Date of decision: January 05, 2016**

Vivek Goyal and others

....Petitioners

versus

State of Haryana 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. Anurag Chopra, Advocate for the petitioners.

Mr. Baljinder Singh Virk, DAG, Haryana.

Mr. D.R. Bansal, Advocate for respondent No.2.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioners, namely, Vivek Goyal, Jeena Goyal, Anil Goyal and Rajiv Goyal for quashing of FIR No.349 dated 28.12.2013 registered under Sections 406/498-A/506/120B of the Indian Penal Code at Police Station Chandimandir, District Panchkula (Annexure P-1) and other proceedings arising therefrom on the basis of compromise arrived at between the parties.

Notice of motion was issued on 03.03.2015 and vide order dated 31.08.2015, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise. The 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 appeared before learned Additional Chief Judicial Magistrate, Panchkula and their statements were recorded. A report has been sent by the Additional Chief Judicial Magistrate, Panchkula 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. It has also been mentioned that accused-Vivek Goyal has withdrawn the allegation of mental retardation levelled against the complainant in the petition filed under Section 12 of the Hindu Marriage Act, 1955, unconditionally. It has also been mentioned therein that the parties to the dispute have specifically stated in their respective statement that the compromise has been arrived at between them is as per their free will and without any pressure from either side. No other case is stated to be pending against either of the parties and now they do not want to proceed with the proceedings any further. The matrimonial dispute between the complainant and accused-Vivek Goyal has already been resolved by

the trial Court vide judgement dated 31.03.2015 and full and final payment has already been made to the complainant as per terms and conditions of the compromise.

Petitioner No.1, namely, Vivek Goyal is also present in the Court who has been identified by his counsel, submits that the allegations were levelled against the complainant due to some misunderstanding and now the dispute between them has been settled. It was simply an allegation and there was no mental ailment.

Since the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR on the basis of compromise. The decree of divorce has already been passed under Section 13B of the Hindu Marriage Act by the trial Court and the parties have complied with the terms and conditions of the compromise. Continuation of proceedings 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 the valuable time of the Court but it would also not be in the interest 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.349 dated 28.12.2013 registered under Sections 406/498-A/506/120B of the Indian Penal Code at Police Station Chandimandir, District Panchkula (Annexure P-1) as well as other proceedings arising therefrom qua

petitioners, namely, Vivek Goyal, Jeena Goyal, Anil Goyal and Rajiv Goyal are hereby quashed.

January 05, 2016
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(DAYA CHAUDHARY)
JUDGE