

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

203

CRM-M-9360-2020

Date of Decision:01.06.2021

RAJ

...PETITIONER

VERSUS

STATE OF UT CHANDIGARH AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Mohit Kakkar, Advocate for the petitioner.

Mr. P.S. Paul, APP, UT, Chandigarh.

Ms. Amarjit Kaur, Advocate for the complainant.

SUVIR SEHGAL, J.(ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.148 dated 03.11.2019 registered under Sections 406, 498-A IPC, 1860, at Police Station Women Police Station, Chandigarh, UT, Chandigarh, Annexure P-2, on the basis of compromise, Annexure P-1, arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioner has contended that the FIR is a result of marital discord and acrimony between the petitioner and his wife, who is the complainant. He submits that the dispute between the parties has been settled by virtue of compromise dated 09.01.2020, Annexure P-1, and a sum of Rs.6.50 lacs has been paid by the petitioner to the complainant, which is reflected in Paras 2 and 4 of the decree of divorce dated 31.03.2021 passed under Section 13-B of the Hindu Marriage Act, 1955. A copy of the divorce decree is taken on record as Mark 'A'.

Vide order dated 16.03.2021, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded regarding the compromise and a report was called for from the Court.

After recording the statements of the accused-petitioner and complainant-respondent No.2, the Judicial Magistrate, Ist Class, Chandigarh, has submitted the report, the relevant extract of which is as under:-

“6. (i) From the statements of the parties, it seems that the compromise between the parties is voluntary and the same has been arrived at between the parties without any undue influence or pressure.

(ii) As per the statement of the Investigating Officer of this case, the present FIR was registered only against the accused Raj and except him there is no other accused in this case.

(iii) As per the statement of the Investigating Officer of this case, the accused has never been declared a proclaimed person and no such proceedings are pending or have been initiated against him in this case.

7. The complainant Ritu Rana has no objection if the above said FIR and the above said consequential proceedings are quashed against the accused Raj in view of the compromise entered into between the parties. ”

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another***, 2007(3) RCR (Criminal) 1052 and Division Bench of

this Court in case *Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102* held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

Counsel for the parties are also ad idem that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.148 dated 03.11.2019 registered under Sections 406, 498-A IPC, 1860, at Police Station Women Police Station, Chandigarh, UT, Chandigarh, Annexure P-2, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

01.06.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No