

****** Vs. State of Punjab and Others**

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Court : Punjab and Haryana

Decided On : Jan-13-2014

Appellant : ****

Respondent : State of Punjab and Others

Judgement :

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRL.
MISC.

No.M-24588 OF 2013 DATE OF DECISION : 13th JANUARY, 2014 Vinay Jain & another .

Petitioners Versus State of Punjab & others .

Respondents CORAM : HONBLE Mr.JUSTICE SURINDER GUPTA **** Present : Mr.Sandeep Singh, Advocate for Mr.Munish Bhardwaj, Advocate for the petitioners.Mr.Varun Sharma, AAG, Punjab.

**** SURINDER GUPTA, J.

(ORAL) Accused Vinay Jain and his mother Shanti Devi have filed this petition under Section 482 of Code of Criminal Procedure (in short, Cr.P.C.) for quashing of FIR No.69 dated 01.08.2008 (Annexure P-1) under Sections 406, 498-A IPC registered at Police Station Division No.3, Jalandhar, in view of compromise

(Annexure P-2) said to have been effected with respondent No.2-complainant Neha Jain.

Pursuant to order dated 29.11.2013 of this Court, report has been received from the trial Court along with statements of the parties confirming that the parties have voluntarily effected compromise.

Counsel for the parties have also stated that pursuant to compromise, the complainant has to be paid `2,50,000/- by the petitioners. An amount of `1,25,000/- shall be paid by the petitioners to respondent No.2 at the time of FIRs. statement in the Court and the remaining amount of `1,25,000/- at the time of final motion hearing of the joint petition already filed by the CRL.

MISC.

NO.M-24588 OF2013-2- parties for dissolution of their marriage by decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act and therefore, complainant has no objection to quashing of the FIR.

I have heard learned counsel for the parties and perused the case file.

In appropriate cases, FIR can be quashed on the basis of compromise by exercising inherent power under Section 482 Cr.P.C., even if the offences are not compoundable.

It was so held by Full Bench of this Court in the case of Kulwinder Singh versus State of Punjab 2007 (2) Law Herald (Punjab & Haryana) 2225.

In the instant case, the impugned FIR is result of marital discord between petitioner No.1-husband and respondent No.2-wife.

The said dispute has been settled by way of compromise and they have already filed joint petition for divorce by mutual consent.

It is, therefore, a fit case in which the FIR should be quashed in view of compromise effected by the parties.

Accordingly the instant petition is allowed.

Impugned FIR Annexure P-1 is quashed along with all consequential proceedings arising therefrom.

13th JANUARY, 2014 (SURINDER GUPTA) GUPTA) raj JUDGE Raj Kumar
2014.01.17 10:37 I attest to the accuracy and integrity of this document
Chandigarh

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