

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Crl Misc. No.M-27190 of 2008

Date of Decision: January 31, 2009

Rajesh Kumar Grover and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

Coram: Hon'ble Mrs.Justice Sabina

Present: Mr.A.K.Bishnoi,Advocate for the petitioners.
Mr. Sidharath Sarup,AAG Haryana
Mr.Amit Rana, Advocate for respondent No.2-complainant.

Sabina, J.

Petitioners- Rajesh Kumar Grover and Bimla Rani have filed this petition under Section 482 of the Code of Criminal Procedure for quashing FIR No.36 dated 28.1.12001 under Sections 406,498-A, 323,325,506/34 of the Indian Penal Code ('IPC' for short) registered at Police Station, Sector 5, Panchkula on the basis of compromise.

Learned counsel for the petitioners has submitted that the parties had arrived at a compromise dated 29.9.2008 (Anexure P1).

Learned counsel for the State has submitted that the parties had arrived at a compromise and the copy of the statement of the complainant dated 14.1.2009 is Exhibit R1.

Complainant-Smt. Rita, who is present in Court, along with her counsel, has admitted the factum of compromise between the parties.

In para 6 of the reply filed by the counsel for the State, it has been stated that respondent No.1 had entered into a compromise dated 29.9.2008 and the same was signed by the petitioner and respondent No.2 in the presence of the witnesses.

As per the compromise (Annexure P1), all the disputes are settled between the parties. Petitioner No.1 had paid a sum of Rupees four lacs to respondent No. 2 vide demand draft dated 20.9.2008. It was further agreed between the parties that respondent No.2 would not claim any maintenance or permanent alimony in future from the petitioners. In view of the compromise, it was agreed that the FIR in question be quashed.

It has been held by the Full Bench of this Court in Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052, High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Since the parties have arrived at a compromise and settled all their matrimonial disputes in order to live in peace, no useful purpose would be served in allowing these proceedings to continue.

In view of above, the present petition is allowed. The FIR No.36 dated 28.1.2001 under Sections 406, 498-A, 323, 325, 506/34 IPC, registered at Police Station, Sector 5, Chandigarh and all the subsequent proceedings, arising therefrom, are quashed.

**(Sabina)
Judge**

January 31, 2009

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