

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

**CRM-M NO.3215 of 2009
Date of decision:31.03.2009**

Sumnish

.....Petitioner

Versus

State of U.T., Chandigarh and others

.....Respondents

Before: HON'BLE MR. JUSTICE RAJIVE BHALLA

Present: Mr. M.S.Uppal, Advocate
for the petitioner.
None for respondent no. 1.
Mr. Ganeshwar Walia, Advocate
for respondent no. 2 to 5.

RAJIVE BHALLA, J.(Oral)

Prayer in this petition, filed under Section 482 of the Code of Criminal Procedure, is for quashing of FIR No. 194, dated 31.05.2006, registered under Sections 406, 498-A of Indian Penal Code, at Police Station Section 34, Chandigarh, and all subsequent proceedings arising therefrom on the basis of a compromise.

Counsel for the petitioner, who is the complainant in the aforementioned FIR, prays that in view of the compromise between the complainant and her husband, the aforementioned FIR and all proceedings emanating therefrom be quashed.

The petitioner-complainant, Ms. Sumnish, is present in person and has been duly identified by her counsel. She acknowledges the execution of the compromise and states that in furtherance thereto, she and her husband have parted ways and have granted a decree of divorce by mutual consent. She further

states that she has no objection, if the FIR and all subsequent proceedings emanating therefrom are quashed. Counsel for the respondents no. 2 to 5 does not oppose the prayer.

Despite service no one has put in appearance on behalf of the U.T, Chandigarh. It appears that in view of the compromise between the parties, U.T of Chandigarh is not interested in opposing the prayer for quashing of the FIR.

I have heard counsel for the parties and am of the considered opinion that parties have resolved their matrimonial differences by way of a bonafide settlement without any fraud, coercion or undue influence.

A compromise or a settlement serves the immediate purpose of parties, as it enables them to proceed with their lives without ill will or rancour and in peace and harmony. In view of the compromise, the prosecution witnesses are not likely to support the prosecution and to continue with the trial would be a wastage of public money and valuable Court time. The Hon'ble Supreme Court, while dealing with a similar controversy, in ***B.S.Joshi and others V. State of Haryana and another, 2003(2) RCR(Criminal) 888***, has held that in cases arising from a matrimonial disputes, where parties have settled their dispute, by a bonafide settlement, the High Court in the exercise of jurisdiction under Section 482 of the Code of Criminal Procedure would be justified in quashing proceedings emanating from matrimonial disputes, even where the offences complained

of are non-compoundable.

In view of what has been stated hereinabove, as the prayer for quashing of the FIR and all subsequent proceedings emanating therefrom does not suffer from any legal impediment, the present petition is allowed and the FIR No.194, dated 31.05.2006, registered under Sections 406, 498-A of Indian Penal Code, at Police Station Section 34, Chandigarh, and and all subsequent proceedings arising therefrom are quashed.

**[RAJIVE BHALLA]
JUDGE**

31st March, 2009
SKaushik