

(2010) 12 P&H CK 0466

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M 21432 of 2010

Suneet Puri and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision: Dec. 9, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Hindu Marriage Act, 1955 - Section 13B
- Penal Code, 1860 (IPC) - Section 406, 498A

Hon'ble Judges: Nirmaljit Kaur, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Nirmaljit Kaur, J.

This is a petition u/s 482 Code of Criminal Procedure for quashing of FIR No. 21 dated 11.03.2010 u/s 406, 498A of Indian Penal Code, Police Station Sector 19, Panchkula which was got registered by Respondent No. 4 -complainant against the present Petitioners on the basis of the compromise dated 27.05.2010 arrived at between the parties. Copy of the same has been placed on record as Annexure P-2.

2. Today, complainant is present in court along with her counsel. She filed her affidavit, stating therein, that she has settled all the differences. In para 5 of the affidavit, she stated that she and her husband has already filed a divorce petition u/s 13B of the Hindu Marriage Act, 1955, in which, their statements were recorded and the next date of hearing is 13.12.2010 for the final statement of both the parties. It is also stated in her affidavit that as agreed, Rs. 5,00,000/-has already been received by her towards her permanent alimony and Rs. 5,00,000/-will be given by her husband at the time of allowing of divorce petition. However, today a bank draft bearing No. 041241 dated 27.11.2010, for a sum of Rs. 5,00,000/-drawn on State Bank of Patiala, Jalandhar has been handed over to Respondent No. 4. She has also

stated that the compromise has been made without any pressure, coercion or undue influence from any side and she has no objection if the said FIR is quashed.

3. In the present case, the matrimonial discord led to filing of the present FIR. Now, the matter has been amicably resolved.

4. The Full Bench of this Court in the case of Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007(3) RCR 1052 has observed as under:

The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power u/s 482 of the Code of Criminal Procedure is used to enhance such a compromise which, in turn, enhances the social amity and reduced friction, then it truly is finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the court exercising its power u/s 482 of the Code of Criminal Procedure in the event of a compromise, but this is not to say power is limited to such cases. There can never be any such rigid rules to prescribe the exercise of such power.

5. The Apex Court in the case of [Madan Mohan Abbot Vs. State of Punjab](#), emphasised in para No. 6 as follows:

6. We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.

6. The said compromise has been arrived at between the parties without any pressure. The complainant has no objection if the said FIR is quashed

7. Taking into account the allegations, compromise and affidavit of the complainant, there is no impediment in the way of this Court to quash the present FIR and subsequent proceedings arising out of the same in the above settled proposition of law.

8. Accordingly, the present petition is allowed and FIR No. 21 dated 11.03.2010 u/s 406, 498A of Indian Penal Code, Police Station Sector 19, Panchkula and further proceedings arising out of the same are hereby quashed.

9. Allowed in the aforesaid terms.