

Diwan Chand and Another Vs State of Punjab and Another

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Oct. 7, 2013

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Advocate: Ritesh Pandey, for the Appellant; Ashish Sanghi, D.A.G., Punjab, Party in Person and Mr. P.K. Garg, for the Respondent

Final Decision: Allowed

Judgement

Ram Chand Gupta, J.

The present petition has been filed u/s 482 of the Code of Criminal Procedure for quashing of FIR No. 128 dated

4.6.2009 (Annexure P-1) under Sections 498A, 506, 406 read with Section 34 of Indian Penal Code, registered at Police Station Dina Nagar,

District Gurdaspur and all other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2), having been entered

between the parties. I have heard learned counsel for the parties and have gone through the record.

2. It has been stated by learned counsel for the petitioners that dispute between the parties was matrimonial in nature and the same has since been

settled and that petitioner No. 2 and respondent No. 2 had filed a petition u/s 13B of Hindu Marriage Act, 1955 for divorce by mutual consent

and a decree of divorce has already been granted in favour of petitioner No. 2 and respondent No. 2.

3. Respondent No. 2 also appeared in person with her counsel and filed reply by way of affidavit admitting the factum of compromise and stating

that she is having no objection if the FIR and consequential proceedings are quashed. She has also stated that she has already obtained divorce by

mutual consent pursuance to the compromise.

4. In appropriate cases FIR can be quashed on the basis of compromise by exercising power u/s 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 and Others Vs. State of Punjab and Another, As the

dispute was matrimonial in nature which has since been settled, the present petition is allowed and the impugned FIR No. 128 dated 4.6.2009

(Annexure P-1) under Sections 498A, 506, 406 read with Section 34 of Indian Penal Code, registered at Police Station Dina Nagar, District

Gurdaspur alongwith all consequential proceedings qua petitioners Diwan Chand and Gagandeep @ John is, hereby, quashed.