

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

244

Criminal Misc. No.M-1523 of 2014
Date of Decision: 13th February, 2015

Balwant Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: Hon'ble Mrs. Justice Daya Chaudhary

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Ghulam Nabi Malik, Advocate
for the petitioners.

Mr. R.S. Randhawa, Addl. A.G., Punjab.

Ms. Harpreet Kaur, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.(Oral)

The present petition under Section 482 Cr.P.C. has been filed on behalf of petitioners, namely, Balwant Singh, Joginder Singh and Manjit Kaur for quashing of FIR No. 169 dated 02.09.2006, registered under Sections 498A, 406 IPC, at Police Station Malerkotla, Sangrur, on the basis of compromise arrived at between the parties.

Learned counsel for the petitioner submits that the aforesaid FIR was registered on the basis of statement made by complainant-respondent No.2, namely, Kamaljit Kaur. Three persons were accused of committing the offence and out of them, Joginder

Singh and Manjit Kaur were found innocent by the investigating agency and challan was presented against petitioner No.1, namely, Balwant Singh and remaining two were kept in Column No.2. Learned counsel further submits that during pendency of the trial, a compromise has been arrived at between the petitioners and the complainant and the complainant has no objection in quashing of the FIR and others proceedings arising therefrom.

Learned counsel for respondent No.2 has also affirmed the factum of compromise.

Notice of motion was issued on 16.01.2014 and the parties were directed to appear before the trial Court on 30.01.2014 for recording of their statements with regard to compromise. The trial Court was also directed to send a report as to whether the compromise arrived at between the parties is genuine and without any pressure from either side.

In response to the aforesaid direction, the parties have appeared before the Additional Civil Judge (Senior Division)-cum-Sub Division Judicial Magistrate, Malerkotla and accordingly their statements were recorded. A report has been sent by the Additional Civil Judge (Senior Division)-cum-Sub Division Judicial Magistrate, Malerkotla, wherein, the factum of compromise has been affirmed. The parties to the dispute have specifically stated that the compromise has been arrived at between them and now they do not want to proceed further with the proceedings. It has also been mentioned therein that the compromise is as per their free will and without any pressure from either side. It has also been mentioned in the report that no P.O. proceedings are pending against the parties.

After hearing learned counsel for the parties and on perusal of the statements recorded by the Additional Civil Judge (Senior Division)-cum-Sub Division Judicial Magistrate, Malerkotla, it is clear that the dispute between the parties has been settled.

Since it is a matrimonial dispute, which has been settled by way of compromise; the complainant has no objection in quashing of the FIR on the basis of compromise; moreover, petitioners No.2 and 3 have been found innocent by the investigating agency and the challan has only been presented against petitioner No.1, namely, Balwant Singh, continuation of proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution and that would not only be mere wastage of the time of the Court but it would also not be in the interest of both the parties. This Court has power to quash the proceedings on the basis of compromise.

In view of the facts as mentioned above, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 169 dated 02.09.2006, registered under Sections 498A, 406 IPC, at Police Station Malerkotla, Sangrur, as well as all subsequent proceedings arising therefrom qua, petitioners, namely, Balwant Singh, Joginder Singh and Manjit Kaur are hereby quashed.

13.02.2015
sonia g.

(DAYA CHAUDHARY)
JUDGE