

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Criminal Misc. No.M-21510 of 2014
Date of Decision: 19th February, 2015

Sarabjeet @ Satephan @ Sarbjit @ StephenPetitioner

Versus

State of Punjab and anotherRespondents

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. Tarun Singla, Advocate
for the petitioner.

Mr. T.N. Sarup, Addl. A.G., Punjab.

None for respondent No.2.

DAYA CHAUDHARY, J.(Oral)

The present petition under Section 482 Cr.P.C. has been filed on behalf of petitioner, namely, Sarabjeet @ Satephan @ Sarbjit @ Stephen for quashing of FIR No. 167 dated 21.06.2013, registered under Section 498A IPC at Police Station Phillaur, District Jalandhar, on the basis of compromise arrived at between the parties.

Brief facts of the case are that the marriage of the petitioner was solemnized with respondent No.2 on 20.10.2009 and subsequently, some differences arose between them. On the basis of complaint made by respondent No.2, the said FIR was registered against the petitioner who is the husband of the complainant.

Learned counsel for the petitioner submits that during pendency of the proceedings, a compromise was arrived at between the parties and a petition under Section 13B of the Hindu Marriage Act for grant of divorce on mutual consent was filed and the same has been allowed on 28.10.2014. Learned counsel also submits that the complainant has no objection in quashing of the FIR and other proceedings arising therefrom.

Notice of motion was issued on 01.07.2014 and vide order dated 12.12.2014, the parties were directed to appear before the Illaqa Magistrate on 22.12.2014 for recording of their statements with regard to compromise. The Illaqa Magistrate 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 Sub Divisional Judicial Magistrate, Phillaur and accordingly their statements were recorded. A report has been sent by the Sub Divisional Judicial Magistrate, Phillaur, wherein, the factum of compromise has been affirmed. Parties to the dispute have specifically stated in their statements 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 Sub Divisional Judicial Magistrate, Phillaur, 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 and decree of divorce has already been passed under Section 13B of Hindu Marriage Act by the trial Court, the 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. The purpose of compromise is to maintain peace and harmony in the relations and not for any ulterior motive. This Court has power to quash the criminal proceedings even in non-compoundable offences on the basis of compromise.

In view of the compromise arrived at between the parties and keeping in view the fact that the complainant has no objection in quashing of the FIR and other proceedings arising therefrom, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 167 dated 21.06.2013, registered under Section 498A IPC at Police Station Phillaur, District Jalandhar, as well as all subsequent proceedings arising therefrom qua, petitioner, namely, Sarabjeet @ Satephan @ Sarbjit @ Stephen are hereby quashed.

19.02.2015
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(DAYA CHAUDHARY)
JUDGE