

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

**C.R.M-M No.27734 of 2010 (O&M)
Date of Decision : 20.11.2015**

Harmohinder Kaur and others

..... Petitioners

Versus

Smt. Kuljit Kaur

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sunil Chadha, Sr. Advocate
with Ms. Swati Verma, Advocate
for the petitioner.

Mr. Sandeep Chopra, Advocate
for the respondent.

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

AJAY TEWARI, J. (Oral)

This petition has been filed for quashing of Criminal Complaint No.37 dated 03.03.2005 pending in the Court of Chief Judicial Magistrate, Ferozepur under Sections 307, 406, 498-A, 506, 34 IPC alongwith all consequential proceedings arising therefrom, which has arisen from the matrimonial dispute in case bearing CRM-M-9674-2013 wherein the following order was passed on 11.04.2013:-

“With the intervention of learned counsel, this dispute has been settled. It has been decided that the petitioner shall pay an amount of Rs.5 lacs on or before 31.05.2013 and another

amount of Rs.5 lacs on or before 30.06.2013 by way of FDR in favour of the son of the parties namely Jagjit Singh. It has further been agreed that the petitioner shall pay another amount of Rs.15 lacs to the said minor son by way of FDR on his retirement. This amount will be full and final settlement of all the claims of the respondent No.2 towards maintenance, alimony, Istridhan, dowry and marriage expenses etc. It has further been agreed that the petitioner shall nominate his son to the extent of Rs.15 lacs from his retiral dues to cater to any unseen contingency. It has further been agreed that the parties shall file a petition for divorce by mutual consent in the month of March, 2015 and the second statement would be made after the payment of Rs.15 lacs aforesaid. Both the parties have agreed that they would get the respective proceedings initiated by them adjourned sine-die. It is further directed that if the parties move applications in this regard, the Courts concerned will adjourn them sine die. It has further been agreed that after the divorce is granted, the petitioner and his other family members may file a petition for quashing this FIR on the basis of this compromise and it will not be necessary for the petitioner to seek the consent of the respondent no.2 and it would be deemed that the consent has already been granted.

The present petition is adjourned to 20.11.2015.”

It is accpeted that the modalities mentioned above have all been fulfilled and all the demands have been made and that the parties have obtained divorce in terms of the above mentioned order.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the

cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

November 20, 2015

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**(AJAY TEWARI)
JUDGE**