

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Criminal Misc. No.M-27559 of 2014
Date of Decision: 13th February, 2015

Arjun Kumar and another

....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. N.S. Vadehra, Advocate
for the petitioners.

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

Mr. Jagjeet Singh Virk, 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, Arjun Kumar and Kashmiro Devi for quashing of FIR No. 41 dated 13.04.2014, registered under Sections 498A, 406 IPC, at Police Station Sadar, Gurdaspur, on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners submits that during pendency of the trial, a compromise has been arrived at between the petitioners and the complainant with the intervention of the respectables of the society and the complainant has no objection in

quashing of the FIR and others proceedings arising therefrom. Learned counsel further submits that the purpose of compromise is to maintain peace and harmony in the relations.

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

Notice of motion was issued on 14.08.2014 and the parties were directed to appear before the Illaqa Magistrate on 29.10.2014 and again on 06.01.2015 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 directions, the parties have appeared before the Additional Chief Judicial Magistrate, Gurdaspur and accordingly their statements were recorded. A report has been sent by the Additional Chief Judicial Magistrate, Gurdaspur, 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 and 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 Chief Judicial Magistrate, Gurdaspur, 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, 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. 41 dated 13.04.2014, registered under Sections 498A, 406 IPC, at Police Station Sadar, Gurdaspur, as well as all subsequent proceedings arising therefrom qua, petitioners, namely, Arjun Kumar and Kashmiro Devi are hereby quashed.

13.02.2015
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(DAYA CHAUDHARY)
JUDGE