

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M No. 27634 of 2015 (O&M)

Date of decision : 29.10.2015

Rajwinder Kaur and others

..... Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Ramesh Sharma, Advocate for the petitioners.

Mr.Ashish Sanghi, DAG, Punjab.

Mr.B.S.Jaswal, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR on the basis of compromise.

On 19.08.2015 the following order was passed:-

“ This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 117 dated 16.05.2015, under Sections 406, 498-A, 120-B IPC, registered at Police Station Nakodar, District Jalandhar.

Learned counsel for the petitioners has argued that this was a matrimonial dispute where the petitioner No.2 was married to respondent No.2. The petitioners No.3 and 4 are his parents and petitioner No.1 is the mediator of the marriage. As per him the matter stands compromised and respondent No.2 has no objection if the FIR is quashed.

The further prayer made by learned counsel for the petitioners is that petitioners No. 2, 3 and 4 are staying abroad and, therefore, only the statements of petitioner No.1 and respondent No.2 are to be recorded.

Notice of motion.

On the asking of Court, Ms.Amarjit Kaur Khurana,

Addl.AG, Punjab, accepts notice on behalf of respondent No.1-State.

Mr.B.S.Jaswal, Advocate has filed his memo of appearance on behalf of respondent No.2.

Since the present petition is for quashing of FIR on the basis of compromise, the parties are directed to be present before the Chief Judicial Magistrate/Illaq Magistrate, Nakodar on 22.09.2015 or any other date convenient to the Magistrate for recording their statements with regard to compromise. The CJM/Illaq Magistrate is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The CJM/Illaq Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not before the next date of hearing.

Adjourned to 29.10.2015 for awaiting the report of the CJM/Illaq Magistrate.”

Thereafter, the report of the Judicial Magistrate 1st Class, Nakodar(Duty) dated 24.09.2015 has been received whereby he had mentioned that the parties had appeared before him and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. Learned DAG has accepted this fact.

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 *FIR No. 117 dated 16.05.2015, under Sections 406, 498-A, 120-B IPC, registered at Police Station Nakodar, District Jalandhar* and all other proceedings arising therefrom are quashed qua the petitioners.

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

(AJAY TEWARI)

JUDGE

October 29 , 2015

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