

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Criminal Misc. No.M-37527 of 2014
Date of Decision: 16th February, 2015

Harpreet Singh and others

....Petitioners

Versus

State of Punjab and others

....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. H.S. Batth, Advocate
for the petitioners.

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

Mr. Sanjeev Kumar, Advocate
for respondents No.2 and 3.

DAYA CHAUDHARY, J.(Oral)

The present petition under Section 482 Cr.P.C. has been filed on behalf of petitioners, namely, Harpreet Singh, Gurdev Singh, Jasbir Kaur, Kuldeep Singh and Harjinder Kaur for quashing of FIR No. 140 dated 12.06.2014, registered under Sections 363, 366A, 380, 120B IPC, at Police Station Bhikhiwind, district Tarn Taran, on the basis of compromise arrived at between the parties.

Learned counsel for the petitioner submits that petitioner No.1 and respondent No.3 have solemnized marriage on 10.06.2014. The date of birth of respondent No.3 is 10.03.1996 as per her school

certificate issued by Central Board of Secondary Education, Delhi. Learned counsel also submits that after solemnizing marriage, the petitioners have filed Crl. Misc. No.M-20601 of 2014 for seeking the protection from this Court and the same was granted by this Court on 13.06.2014. Learned counsel also submits that during pendency of the proceedings, a compromise was arrived at between the parties and the complainant and other family members are not having any objection to the marriage of the petitioner and respondent No.3. Thereafter, a petition for quashing of FIR was preferred on the basis of compromise. Learned counsel further submits that with the intervention of the respectables, a compromise has been arrived at between the petitioners and the complainant has no objection in quashing of the FIR and others proceedings arising therefrom.

Learned counsel for respondents No.2 and 3 has also affirmed the factum of compromise.

Notice of motion was issued on 04.11.2014 and the parties were directed to appear before the Illaqa Magistrate on 18.11.2014 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 learned Judicial Magistrate Ist Class, Patti and accordingly their statements were recorded. A report has been sent by the learned Judicial Magistrate Ist Class, Patti, wherein, the factum of compromise has been affirmed. The 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 learned Judicial Magistrate Ist Class, Patti, it is clear that the dispute between the parties has been settled.

Since the dispute between the parties has been settled by way of compromise; the complainant has no objection in quashing of the FIR on the basis of compromise; moreover, petitioner No.1 and respondent No.3 are happy in their matrimonial life and they are leading their matrimonial life peacefully and father of petitioner No.1 who is the complainant in this case, has no objection in quashing of the FIR and other proceedings arising therefrom. Respondent No.3 was major at the time of marriage but FIR has been registered by making wrong statement about her date of birth.

Keeping in view the statements of the parties as well as the fact that now there is no dispute between the parties and even the complainant has no objection in quashing of FIR and other proceedings arising therefrom, continuation of proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution and 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 criminal proceedings even in non-compoundable offences 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. 140 dated 12.06.2014, registered under Sections 363, 366A, 380, 120B IPC, at Police Station Bhikhiwind, district Tarn Taran, as well as all subsequent proceedings arising therefrom qua, petitioners, namely, Harpreet Singh, Gurdev Singh, Jasbir Kaur, Kuldeep Singh and Harjinder Kaur are hereby quashed.

16.02.2015
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(DAYA CHAUDHARY)
JUDGE