

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

**CRM-M-4068-2015(O&M)
Date of decision :13.10.2015**

SUKHWINDER SINGH & ORS

..... PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.C.S.Bagri , Advocate for the petitioners.

Ms.Amarjit Kaur Khurana, Addl.AG, Punjab.

Mr.Parvinder Singh, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR.

On 09.02.2015 the following order was passed:-

“This petition has been filed for quashing of FIR No.58 dated 24.06.2014 registered under Sections 498-A, 406 IPC at Police Station Balongi, District S.A.S. Nagar, Mohali along with all consequential proceedings arising therefrom on the basis of compromise.

It is stated that in this matrimonial dispute the parties have settled the issues and a petition for divorce by mutual consent has already been filed which has been fixed for 10.08.2015 for second motion.

Notice of motion.

On the asking of the Court, Ms. Amarjit Kaur Khurana, Additional Advocate General, Punjab, accepts notice on behalf of the respondent No.1.

Mr. Parvinder Singh, Advocate has entered appearance on behalf of respondent No.2.

Learned counsel for the petitioners undertakes to supply a copy of the petition to the learned opposite counsel during the course of the day.

Adjourned to 13.10.2015.

Meanwhile, the parties are directed to be present before the Matrimonial Court on the date fixed i.e. 10.08.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the next date of hearing.

In the meantime, further proceedings shall remain stayed in the present FIR.”

Thereafter, the report of the Additional District & Sessions Judge, SAS Nagar, Mohali dated 21.08.2015 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. He has further reported that in pursuance of the said compromise petitioner No.1-husband was to pay an amount of Rs. 6 lacs to respondent No.2-wife in lieu of her past, present and future alimony, out of which she has received an amount of Rs. 3 lacs and the remaining amount of Rs.3 lacs she will be receiving at the time of quashing of the present FIR.

Today in pursuance of the compromise arrived at between the parties, the remaining amount of Rs. 3 lacs has been handed over by the petitioner-husband to respondent No.2-wife by way of bank draft. Learned counsel for the petitioners states that apart from this there is one issue of transfer of the motor cycle to the name of petitioner No.1. Learned counsel for respondent No.2 states that she will co-operate

with petitioner No.1 to get that exercise concluded.

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.58 dated 24.06.2014 registered under Sections 498-A, 406 IPC at Police Station Balongi, District S.A.S. Nagar, Mohali along with all consequential 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 13, 2015
sunita