

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

CRM No.M-43574 of 2014 (O&M)

Date of decision: 07.07.2015

Javed Afzal & others

... Petitioners

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Gaurav Sharma, Advocate for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

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

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TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.84 dated 18.06.2014, under Sections 406/498-A IPC, registered at Police Station Women Cell, Patiala, District Patiala on the basis of compromise.

Since quashing was sought on the basis of compromise, this Court on 19.12.2014 had directed the parties to appear before the trial Court/Illaq Magistrate concerned for recording of their statements and a report as regards veracity of the compromise was called for.

Placed on record is a report dated 20.01.2015 of the learned Judicial Magistrate 1st Class, Patiala and a perusal thereof would reveal that the statements of the parties have been duly recorded and it has been opined that compromise that has been effected between the parties is without any pressure or coercion. Even the statements of the parties that have been recorded stand appended along with the report.

Counsel appearing for the complainant/respondent No.2 also submits in Court today that he would have no objection to the FIR being quashed on the basis of compromise.

A Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light of compromise that may have been effected between the parties, even in relation to non compoundable offences.

Adverting back to the facts of the present case, the dispute was essentially matrimonial in nature and the same has since been resolved.

In the light of the compromise having been effected between the parties, it would be a futile exercise for the criminal proceedings to continue as such. It would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.84 dated 18.06.2014, under Sections 406/498-A IPC, registered at Police Station Women Cell, Patiala, District Patiala and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

07.07.2015
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