

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

CRM-M-8259 of 2015(O&M)

Date of decision:- 11.05.2015.

Jasvir Singh and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Subhash Chand, Advocate
for Mr. Vaibhav Narang, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab
for respondent No. 1-State.

TEJINDER SINGH DHINDSA, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C praying for quashing of F.I.R. No.62 dated 4.8.2012 under Sections 406,498-A I.P.C registered at Police Station Women, Ludhiana on the basis of compromise, which as per pleadings has been entered into between the parties.

Since quashing was sought on the basis of compromise, this Court on 13.03.2015, had directed the parties to appear before the Trial Court 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 05.05.2015 of the learned Judicial Magistrate 1st Class, Ludhiana and a perusal of the same would reveal that the statements of the complainant namely, Mandeep Kaur as also of the accused (petitioners herein) have been duly recorded and it has been opined that the compromise has been arrived at between the parties of their

own will and free accord.

A Full Bench of this Court in case of **Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R (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 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 matrimonial dispute has been amicably resolved and as per statement of the complainant namely, Mandeep Kaur, divorce has been granted by the competent Court, in pursuance of a petition having been filed under Section 13-B of Hindu Marriage Act. Accordingly, it would be a fit case for this Court to intervene in exercise of its powers under Section 482 Cr.P.C and bring to an end the criminal prosecution launched on the basis of impugned FIR.

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. F.I.R. No. 62 dated 04.8.2012, under Sections 406/498-A IPC registered at Police Station Women, Ludhiana and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petition allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

May 11, 2015.

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