

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

235

Criminal Misc. No.M-9582 of 2014
Date of Decision: 14th August, 2015

Raidev Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: Hon'ble Mrs. Justice Daya Chaudhary

1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No
2. To be referred to reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Manish Bansal, Advocate for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. by petitioner, namely, Raidev Singh for quashing of FIR No.92 dated 11.08.2010, registered under Sections 406, 498A IPC at Police Station Cantonment, District Amritsar, on the basis of compromise arrived at between the parties.

Brief facts of the case are that the marriage of the petitioner was solemnized with respondent No.2 on 31.03.2008 and subsequently, some differences arose between them. On the basis of complaint made by respondent No.2, the said FIR was registered against the petitioner who is the husband of

the complainant as well as other five family members but challan was presented only against the present petitioner.

Learned counsel for the petitioner submits that during pendency of the proceedings, a compromise was arrived at between the parties and a petition under Section 13B of the Hindu Marriage Act for grant of divorce on mutual consent was filed and the same has been allowed on 02.07.2013. Learned counsel also submits that the complainant has no objection in quashing of the FIR and other proceedings arising therefrom.

Notice of motion was issued on 18.03.2014 and the parties were directed to appear before the trial Court/Illaq Magistrate on 09.04.2014 for recording of their statements with regard to compromise. The trial Court/Illaq 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 appeared before the Judicial Magistrate Ist Class, Amritsar and accordingly their statements were recorded. A report has been sent by the Judicial Magistrate Ist Class, Amritsar, wherein, the factum of compromise has been affirmed. 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.

After hearing learned counsel for the parties and on perusal of the statements recorded by the Judicial Magistrate Ist Class, Amritsar, it is clear that

the dispute between the parties has been settled.

Since it is a matrimonial dispute, which has been settled by way of compromise and the complainant has no objection in quashing of the FIR on the basis of compromise and also a decree of divorce has already been passed under Section 13B of the Hindu Marriage Act by the trial Court, the continuation of proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution and it 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. The purpose of compromise is to maintain peace and harmony in the relations and not for any ulterior motive. This Court has power under Section 482 Cr.P.C. to quash the criminal proceedings even in non-compoundable offences on the basis of compromise.

In view of the compromise arrived at between the parties and keeping in view the fact that the complainant has no objection in quashing of the FIR and other proceedings arising therefrom, the present petition is allowed and the impugned criminal proceedings arising out of FIR No.92 dated 11.08.2010, registered under Sections 406, 498A IPC at Police Station Cantonment, District Amritsar, as well as all subsequent proceedings arising therefrom qua, petitioner, namely, Raidev Singh are hereby quashed.

August 14, 2015
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(DAYA CHAUDHARY)
JUDGE