

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

**Criminal Misc. No. M-10145 of 2016
Date of decision: 26.05.2016**

Rajan Kumar @ Rajan 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. Vishal Munjal, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab
for respondent No.1 – State.

Mr. Sunil Agnihotri, Advocate
for respondent No.2.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.24 dated 20.03.2014 registered under Sections 498-A, 406, 323, 120-B read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Shahpurkandi, Tehsil and District Pathankot on the basis of compromise arrived at between the parties.

Briefly, the facts of the case are that brother of the petitioner, namely, Pardeep Singh was married with respondent No.2 on 17.02.2012. Certain temperamental differences arose between the parties and respondent No.2 moved a complaint, on the basis of which, the aforesaid FIR was registered against the petitioner, his brother-Pardeep Singh and his mother-

Rano Devi. Certain allegations of demand of dowry, maltreatment and misappropriation of dowry articles were levelled in the complaint. Brother and mother of the petitioner were acquitted of the charge as the complainant did not support the case of the prosecution. Brother of the petitioner and complainant-respondent No.2 filed a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') before District Judge (Family Court) at Pathankot wherein first and second motion statements of the parties were recorded.

While issuing notice of motion on 21.03.2016, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to said directions issued by this Court, the parties appeared before Chief Judicial Magistrate, Pathankot and their statements with regard to compromise were recorded. A report along with the statements of the parties has been sent, which is on record wherein the factum of compromise has been affirmed. It has also been mentioned in the report that the compromise arrived at between the parties is voluntary and without any pressure or coercion from either side. Complainant-respondent No.2 has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings. The statement of the complainant recorded before the trial Court is reproduced as under: -

“ I am the complainant in this case. I have compromised the matter with the accused Rajan Kumar @ Rajan Singh son of Surinder Singh resident of village & Post Officer Saidowal Kalan, Tehsil and District Gurdaspur with the intervention

of respectables. I have decided to end this litigation and live peacefully. I have no grudge against the accused. I am giving the statement voluntarily and with my free will and without any coercion. I have no objection if the proceedings of this FIR may be quashed.”

Learned counsel for respondent No.2 has also affirmed the factum of compromise arrived at between the parties.

Learned counsel for the parties submits that the parties have complied with all terms and conditions of the compromise and they have also undertaken to comply with the same in future.

The petitioner was declared proclaimed offender without following the provisions of the Cr.P.C. as no service was effected upon him and has filed a petition for quashing of PO order. There was no ill will or intention of the petitioner to remain absent or not to attend the Court proceedings. Said petition was ordered to be listed along with this petition and in compliance of directions issued by this Court, he surrendered before the trial Court and PO proceedings were kept in abeyance. No purpose would be served in case, the proceedings are kept pending.

The dispute between the parties is of matrimonial nature and the same has been settled by way of compromise. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. Moreover, no purpose would be served in case proceedings are allowed to be continued in future as the complainant is not going to support the case of the prosecution and it would result into wastage of precious time of the

Court. The purpose of the compromise is to maintain peace and harmony in

the relations.

It has been held by Five Judges' Bench of our own High Court in *Kulwinder Singh and others vs. State of Punjab and others, 2007(3) RCR (Criminal) 1052* that this Court has wide power to quash the criminal proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Criminal Procedure Code in order to prevent abuse of the process of law or to secure the ends of justice.

Accordingly, the present petition is allowed and the criminal proceedings arising out of FIR No.24 dated 20.03.2014 registered under Sections 498-A, 406, 323, 120-B read with Section 34 IPC at Police Station Shahpurkandi, Tehsil and District Pathankot as well as all subsequent proceedings arising therefrom qua petitioner, namely, Rajan Kumar @ Rajan Singh, are hereby quashed.

26.05.2016
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(DAYA CHAUDHARY)
JUDGE