

Crl. Misc. No. M-10285 of 2016

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-10285 of 2016

DATE OF DECISION: 27.05.2016

Harpreet Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper 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 Singla, Advocate
for the petitioners.

Ms. Ritu Punj, Addl. A.G., Punjab.

None for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 121 dated 10.10.2012 registered under Sections 406,498-A IPC at Police Station Bassi Pathana, District Fatehgarh Sahib, on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered on the basis of complaint made by respondent No.2, wherein, certain allegations of demand of dowry and harassment were levelled against the petitioners. The petitioners are father-in-law, mother-in-law and husband of complainant-respondent No.2,

respectively. Marriage between petitioner No.3 and respondent No.2 was solemnized on 6.5.2011. The husband of complainant-respondent No.2 was away to Italy earlier. He came to India at the time of marriage and assured respondent No.2 to take her to Italy. As per allegations in the FIR, an amount of ₹ 2 lacs was also paid by parents of respondent No.2 to petitioner No.3 at the time of marriage. After sometime of marriage, the petitioners started to harass respondent No.2 and the matter was reported to the Police. During pendency of the proceedings, a compromise was arrived at between the parties and now the present petition has been filed for quashing of the FIR on the basis of compromise.

While issuing notice of motion on 22.3.2016, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to the said directions issued by this Court, the parties appeared before Chief Judicial Magistrate, Fatehgarh Sahib and their statements were recorded. After recording of their statements, 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 genuine and without any pressure from either side. Complainant-respondent No.2 has specifically stated in her statement that she has settled the dispute with the accused persons and has no objection in quashing of the FIR and other proceedings.

Learned counsel for the petitioners submits that the matter has been compromised between the parties and the petition filed under Section 13-B of the Hindu Marriage Act for dissolution of marriage with mutual

consent has already been allowed on 31.3.2016. A photocopy of judgment dated 31.3.2016 has also been placed on record during hearing of the case. Learned counsel further contends that all the terms and conditions of the compromise have been complied with and complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings.

Respondent No.2 has been served but none has appeared on her behalf.

Since the dispute between the parties is matrimonial in nature and the same has been settled by way of compromise; as per statement of the complainant recorded in view of direction issued by this Court on 22.3.2016, she has no objection in quashing of the FIR and other proceedings, no purpose would be served in case proceedings are continued in future as it would amount to wastage of precious time of the Court. Moreover, it would not be in the interest of the parties as the complainant is not going to support the case of the prosecution. The purpose of the compromise is to maintain peace and harmony in the relations.

Accordingly, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 121 dated 10.10.2012 registered under Sections 406,498-A IPC at Police Station Bassi Pathana, District Fatehgarh Sahib as well as all subsequent proceedings arising therefrom qua petitioners, namely, Harpreet Singh, Hardeep Kaur and Amarjit Singh, are hereby quashed.

May 27, 2016
pooja

(DAYA CHAUDHARY)
JUDGE

