

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

**Criminal Misc. No. M-10341 of 2016
Date of decision: 25.04.2016**

Rakesh Kumar @ Sonu and others

..Petitioners

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. Achin Gupta, Advocate
for the petitioners.

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

Mr. Vaneet Monga, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.16 dated 08.08.2012 registered under Sections 498-A and 406 of Indian Penal Code (for short 'IPC') at Police Station Women Cell, District Bathinda on the basis of compromise arrived at between the parties.

The aforesaid FIR was registered at the instance of respondent No.2 alleging certain allegations of demand of dowry and harassment. Petitioner No.1 is husband, petitioner No.2 is brother-in-

law, petitioner No.3 is mother-in-law, petitioner No.4 is father-in-law and petitioner No.5 is sister-in-law of the complainant-respondent No.2. During pendency of the proceedings, a compromise was arrived at between the parties and on the basis of which, the present petition has been filed.

While issuing notice of motion on 29.03.2016, the parties were directed to appear before 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 Judicial Magistrate 1st Class, Bathinda 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 genuine and without any pressure, threat or coercion. Complainant-respondent No.2-Sarika Rani has specifically stated in her statement that the matter has been compromised and now she has no grudge against the accused persons. She has also no objection in quashing of the FIR and other proceedings. It has also been mentioned in the report that a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') has been filed, which is still pending and the complaint filed under Section 31 of the Protection of Women from Domestic Violence Act, 2005 has also been withdrawn.

Learned counsel for the petitioners submits that the dispute between the parties is matrimonial in nature and the same has been settled by way of compromise. Complainant has no objection in quashing of the FIR and other proceedings. On the basis of compromise, a petition under Section 13-B of the Act has also been filed for dissolution of marriage with mutual consent.

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

Since the dispute between the parties is matrimonial in nature and the same has been settled by way of compromise; complainant 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 result into wastage of precious time of the Court as the complainant is not going to support the case of the prosecution.

It has also 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 impugned criminal proceedings arising out of FIR No. 16 dated

08.08.2012 registered under Sections 498-A and 406 IPC at Police Station Women Cell, District Bathinda as well as all subsequent proceedings arising therefrom qua petitioners, namely, Rakesh Kumar @ Sonu, Mukesh Kumar @ Kaddu, Kamla Rani, Chiman Lal and Bandana Rani @ Vandana Rani, are hereby quashed.

25.04.2016
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(DAYA CHAUDHARY)
JUDGE