

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

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**Criminal Misc. No. M-15581 of 2015
Date of decision: January 21, 2016**

Bohar Singh and others

....Petitioners

versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Present: Mr. Surinder Garg, Advocate for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. G.S. Simble, Advocate for
Mr. P.S. Brar, Advocate for respondent No.2.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioners, namely, Bohar Singh, Karamjit Kaur @ Karmi and Kulvir Kaur for quashing of FIR No.113 dated 10.05.2012 registered under Sections 498-A, 323, 34 of the Indian Penal Code at Police Station Kotwali, District Faridkot (Annexure P-1) and order dated 11.10.2013 vide which petitioners No.2 and 3 have been

summoned on an application filed under Section 319 Cr.P.C. and other proceedings arising therefrom on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners submits that petitioners No.2 and 3 have been summoned on an application filed under Section 319 Cr.P.C. and during pendency of the proceedings, compromise has been arrived at between the parties. The petition filed under Section 13B of the Hindu Marriage Act was filed with mutual consent and the same was allowed on 01.08.2014.

The factum of compromise as well as grant of divorce has also been affirmed by learned counsel for respondent No.2. Learned counsel for respondent No.2 also submits that the complainant now has no grouse against the accused persons in any manner.

Heard arguments advanced by learned counsel for the parties and have also perused the documents available on record.

Admittedly, the petition filed under Section 13B of the Hindu Marriage Act has been allowed and divorce has also been granted on mutual consent; the complainant has no objection in quashing of the FIR and other proceedings arising therefrom.

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. The decree of divorce has already been passed under Section 13B of the Hindu Marriage Act by the trial Court. Moreover, the offence is under Section 498A of IPC

and both the parties have settled their dispute. Continuation of proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution. It would not only be mere wastage of the valuable time of the Court but it would also not be in the interest of both the parties. This Court has inherent powers under Section 482 Cr.P.C. to quash the criminal proceedings even in non-compoundable offences on the basis of compromise.

Accordingly, this petition is allowed and FIR No.113 dated 10.05.2012 registered under Sections 498-A, 323, 34 of the Indian Penal Code at Police Station Kotwali, District Faridkot(Annexure P-1), order dated 11.10.2013 (Annexure P-2) as well as other proceedings arising therefrom qua petitioners, namely, Bohar Singh, Karamjit Kaur @ Karmi and Kulvir Kaur are hereby quashed.

January 21, 2016
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(DAYA CHAUDHARY)
JUDGE