

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

Crl. Misc. No.M-1938 of 2016

Date of Decision: 27.04.2016

Mohd. Yasin and another

....Petitioners

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the 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:- Mohd. Yousaf, Advocate
for the petitioners.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Mr. R.S. Modi, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No.48 dated 17.05.2015 registered under Sections 307, 498-A and 149 IPC at Police Station City Malerkotla, District Sangrur along with all subsequent proceedings arising therefrom on the basis of compromise.

Briefly, the facts of the case are that complainant-respondent No.2 is wife of petitioner No.1 and their marriage was solemnized approximately 15 years earlier to the lodging of FIR. Out of the said wedlock, two children were born. A minor dispute arose between the parties and on the basis of complaint made by respondent No.2, said FIR

was registered against the petitioners and four other persons, namely, Mohd. Nazir, Imran, Shehneela and Sumayya. However, during pendency of the proceedings, the above named four persons were declared innocent and were kept in column No.2 and the challan was presented only against petitioner No.1.

Learned counsel for the petitioners submits that it was a case of matrimonial dispute and the same was sorted out between them as both the parties have started to live together as husband and wife. As per compromise arrived at between the parties, the present petition has been filed for quashing of FIR as well as other proceedings arising therefrom.

In view of the directions issued by this Court on 20.01.2016, the statements of the parties were recorded, wherein, the factum of compromise has been affirmed. A report has also been sent, wherein, it has been stated 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 no objection in quashing of FIR as well as other proceedings arising therefrom as the dispute between both of them has been resolved. Both the parties are residing together happily in their matrimonial life.

It is a matrimonial dispute and the same has been settled between the parties. No purpose would be served in case the proceedings are allowed to continue in future as the complainant is not going to support the case of the prosecution because of compromise.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR (Criminal) 1052*** has also observed that the proceedings can be quashed even in case of non-compoundable offences, in case, the compromise is there between the parties.

Accordingly, in view of the facts as mentioned above and by

exercising the powers under Section 482 Cr.P.C., the present petition is allowed. FIR No.48 dated 17.05.2015 registered under Sections 307, 498-A and 149 IPC at Police Station City Malerkotla, District Sangrur along with all consequential proceedings arising therefrom qua petitioners-Mohd. Yasin and Ashia are hereby quashed.

27.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE