

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

Crl. Misc. No.M-222 of 2016

Date of Decision: 30.03.2016

Harwinder Singh and others

....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:- Ms. Neha Jain, Advocate
for the petitioners.

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

Mr. Abhay Sharma, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No.60 dated 13.08.2011 registered under Sections 323/498-A/406 IPC at Police Station Haryana, District Hoshiarpur as well as all subsequent proceedings arising therefrom, on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners submits that marriage between petitioner No.1 was solemnized with respondent No.2 on 20.09.2009 and out of said wedlock, no child was born. Petitioner no.2 is father-in-law and petitioner No.3 is mother-in-law of respondent No.2.

Learned counsel also submits that subsequently, some temperamental differences arose between the parties and they could not live together under the same roof, which resulted into various litigations including the present FIR.

During pendency of the proceedings, with the intervention of respectables of both the families, a compromise was arrived at between the parties, which was reduced into writing. Certain terms and conditions were mentioned in the written compromise. As per compromise arrived at between the parties, a sum of Rs. 1,50,000/- was to be paid at the time of first motion statement and Rs.1,50,000/- was to be paid at the time of second motion statement. It was also agreed that a petition under Section 13-B of the Hindu Marriage Act will be filed with mutual consent. Learned counsel also submits that the amount has been received by the complainant and as agreed, the complainant has made a statement before the Judicial Magistrate Ist Class, Hoshiarpur, in compliance of directions issued by this Court on 07.01.2016.

Learned counsel for respondent No.2 has affirmed the factum of compromise and also the fact that the complainant has received the amount and a petition under Section 13-B of the Hindu Marriage Act has also been allowed.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file as well as compromise arrived at between the parties and statement recorded in compliance of directions issued by this Court on 07.01.2016.

Complainant has specifically stated in her statement that she has received the amount at the first stage of recording of statement under Section 13-B of the Hindu Marriage Act. The compromise arrived at between the parties is as per free will and without any pressure. Filing of

petition under Section 13-B of the Hindu Marriage Act has also been affirmed.

Learned counsel appearing on behalf of respondent No.2 has affirmed the receipt of remaining amount of ₹ 1,50,000/- by the complainant and submits that the complainant has no objection in quashing of FIR and other proceedings.

The dispute between the parties has been settled by way of compromise and there is no justification in continuation of the proceedings 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, by exercising the powers provided under Section 482 Cr.P.C and by keeping in view the interest of the parties and in view of ratio of law laid down by a larger Bench of this Court in ***Kulwinder Singh's*** case (supra), the present petition is allowed. FIR No.60 dated 13.08.2011 registered under Sections 323/498-A/406 IPC at Police Station Hariana, District Hoshiarpur along with all consequential proceedings arising therefrom, qua petitioners-Harwinder Singh, Jagir Singh and Gurmit Kaur are hereby quashed.

30.03.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE