

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

**Criminal Misc. No. M-2386 of 2016
Date of decision: 29.04.2016**

Dinesh Sharma

..Petitioner

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. Atul Goyal, Advocate
for the petitioner.

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

None for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.98 dated 21.09.2013 registered under Sections 406 and 498-A of Indian Penal Code (for short 'IPC') at Police Station Women, District Ludhiana on the basis of compromise arrived at between the parties.

The aforesaid FIR was registered on the basis of complaint made by respondent No.2. The marriage between petitioner-Dinesh Sharma was solemnized with respondent No.2 on 28.01.2011 and both of them remained together as husband and wife

for a short period. Thereafter, some differences arose between them and respondent No.2 moved an application before the Police, on the basis of which, the aforesaid FIR was registered against the petitioner. The Investigating Agency presented the challan and thereafter, charges were also framed against the petitioner. During pendency of the proceedings, a compromise was arrived at between the parties, on the basis of which, the present petition has been filed for quashing of FIR.

While issuing notice of motion on 22.01.2016, 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 Judicial Magistrate Ist Class, Ludhiana 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 as per their free will and without any coercion or pressure. Complainant-respondent No.2-Sakshi Makkar has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings and the compromise is without any pressure or coercion. 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') for dissolution of marriage with mutual

consent has been filed.

Learned counsel for the petitioner submits that both the parties have undertaken to abide by all terms and conditions of the compromise and the petition under Section 13-B of the Act has also been allowed. Complainant has no objection in quashing of the FIR and other proceedings.

Although neither respondent No.2 nor her counsel is present but her statement with regard to compromise has been recorded before the trial Court.

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. Moreover, the purpose of the compromise is to maintain peace and harmony in the relations.

It has 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.98 dated 21.09.2013 registered under Sections 406 and 498-A of Indian Penal Code IPC at Police Station Women, District Ludhiana as well as all subsequent proceedings arising therefrom qua petitioner, namely, Dinesh Sharma, are hereby quashed.

However, it is made clear that in case, any violation of terms and conditions of the compromise is there or the complainant is still aggrieved, she is at liberty to revive the order

29.04.2016
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(DAYA CHAUDHARY)
JUDGE