

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No. M-23264 of 2015

Date of decision: 21.04.2016

Nirmal Singh 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. VS Rana, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Hemender Goswami, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.31 dated 1.6.2015 registered under Sections 406/498-A of Indian Penal Code (for short 'IPC') at Police Station Mulepur, District Fatehgarh Sahib and other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered on the basis of complaint made by respondent No.2 against the petitioners, who are father-in-law, mother-in-law, brother-in-law (Jeth) and sister-in-law (Jethani) of complainant-respondent No.2, respectively.

Learned counsel for the petitioners contends that husband of complainant-respondent No.2 had expired on 6.1.2014 i.e. prior to the registration of the aforesaid FIR and no such complaint was ever made

during that period. Learned counsel further contends that now the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR and other proceedings.

Learned counsel for complainant-respondent No.2 has also not disputed the submissions made by learned counsel for the petitioners.

Heard the arguments advanced by learned counsel for the parties and have also perused the allegations levelled in the FIR, compromise effected between the parties and the statements of the parties recorded in view of direction issued by this Court on 18.11.2015.

Admittedly, respondent No.2 was married with the son of petitioners No.1 and 2 on 26.1.2011 and out of said wedlock, one child was also born. The present FIR was registered on 1.6.2015 i.e. after the death of husband of complainant-respondent No.2. During pendency of the proceedings, a compromise was arrived at between the parties and complainant-respondent No.2 has also received the amount of maintenance in lump-sum i.e. Rs. 13,50,000/- as settled in the compromise. A receipt in this regard has also been placed on record. In view of the compromise arrived at between the parties, the complainant has no objection in quashing of the FIR and other proceedings arising therefrom. Complainant-respondent No.2 has specifically stated in her statement recorded in view of direction issued by this Court on 18.11.2015 that the matter has been compromised with the petitioners and she has no grouse against them. She has also stated that she has no objection in quashing of the FIR and other proceedings against the petitioners.

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 amount to wastage of precious time of the Court. Moreover, it would not be in the interest of the parties as the complainant is not going to support the case of the prosecution. The purpose of the compromise is to maintain peace and harmony in the relations.

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.31 dated 1.6.2015 registered under Sections 406/498-A IPC at Police Station Mulepur, District Fagehgarh Sahib as well as all subsequent proceedings arising therefrom qua petitioners, namely, Nirmal Singh, Bhinder Kaur, Rajdeep Singh and Manveer Kaur, are hereby quashed.

21.04.2016
pooja

(DAYA CHAUDHARY)
JUDGE