

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

**Criminal Misc. No. M-24163 of 2015
Date of decision: 20.05.2016**

Gagandeep

..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. Sandeep Arora, Advocate
for the petitioner.

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

Mr. Robin Lohan, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.22 dated 22.04.2015 registered under Sections 406 and 498-A of Indian Penal Code (for short 'IPC') at Police Station Women Cell, Jalandhar City 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. However, during pendency of the proceedings, the dispute between the parties was settled with the intervention of respectables and friends and a written compromise was also prepared wherein certain terms and conditions were settled.

Learned counsel for the petitioner submits that there were temperamental differences between the parties and both of them have

decided to part their ways as there was no chances of living together. It has been decided that respondent No.2 will be paid an amount of ₹3 lacs towards permanent alimony towards maintenance including past, present and future. Learned counsel further submits that all the dowry articles including jewellery have been returned to respondent No.2 and she will not claim any amount other than what has been settled. Learned counsel for the petitioner also submits that the petition filed under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') has been allowed and amount settled in the compromise has been paid to respondent No.2.

Learned counsel for respondent No.2 has not disputed the submissions made by learned counsel for the petitioner.

Complainant-respondent No.2 is also present in the Court and she has been identified by her counsel. She has also stated that she has no objection in quashing of the FIR and other proceedings.

Heard arguments of learned counsel for the petitioner as well as learned counsel for respondent No.2 and have also perused the allegations levelled in the FIR; the compromise arrived at between the parties as well as the copy of decree of divorce granted under Section 13-B of the Act, which has been supplied during the course of arguments.

The dispute between the parties is of matrimonial nature and the same has been settled by way of compromise. The petition filed under Section 13-B of the Act has been allowed. Both the parties are happy with the compromise. The amount settled in the compromise has been paid to respondent No.2. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. Moreover, no purpose would be

served in case proceedings are allowed to be continued in future as it would

result into wastage of precious time of the Court.

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 criminal proceedings arising out of FIR No.22 dated 22.04.2015 registered under Sections 406 and 498-A IPC at Police Station Women Cell, Jalandhar City as well as all subsequent proceedings arising therefrom qua petitioner, namely, Gagandeep, are hereby quashed.

20.05.2016
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(DAYA CHAUDHARY)
JUDGE