

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-25785 of 2015

DATE OF DECISION: 29.03.2016

Sachin and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper 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:- Ms. Deepa Jain, Advocate
for the petitioners.

Mr. Arun Kumar, AAG, Haryana.

None for respondent No.2

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 482 dated 12.9.2013 registered under Sections 498-A/323/506/34 IPC at Police Station Saran, District Faridabad and all 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. During pendency of the proceedings, a compromise was arrived at between the parties and it was settled that an amount of ₹ 27,50,000/- will be paid to complainant-respondent No.2 as permanent alimony for future maintenance. Out of the said amount, an amount of ₹ 14

lacs was settled to be paid at the time of recording of first motion statement on 18.2.2015 and the remaining amount of ₹13,50,000/- on 20.8.2015, which have already been paid.

Learned counsel for the petitioners contends that the amount settled between the parties has already been paid to the complainant and she has no objection in quashing of the FIR and other proceedings. Learned counsel also contends that the divorce petition filed on the basis of mutual consent has also been allowed.

Notice of motion was issued in the case and vide order dated 22.12.2015, a direction was issued to both the parties to appear before the trial Court for recording of their statements with regard to compromise.

In response to the said direction issued by this Court, the parties have appeared before JMJC, Faridabad 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 genuine and without any pressure from either side. Complainant-respondent No.2 has specifically stated in her statement that she has settled the dispute with the accused persons and has no objection in quashing of the FIR and other proceedings.

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. 482 dated 12.9.2013 registered under Sections 498-A/323/506/34 IPC at Police Station Saran, District Faridabad as well as all subsequent proceedings arising therefrom qua petitioners, namely, Sachin, Narayan Singh and Debo @ Devki are hereby quashed.

March 29, 2016
pooja

(DAYA CHAUDHARY)
JUDGE