

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

**Criminal Misc. No. M-26412 of 2015
Date of decision: 01.02.2016**

Gurpreet 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. Gulzar Mohammad, Advocate
for the petitioners.

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

Mr. N.S. Goraya, Advocate
for respondent No.2.

Daya Chaudhary, J.

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.19 dated 17.04.2015 registered under Sections 406 and 498-A of Indian Penal Code (for short 'IPC') at Police Station Women, Police District Jalandhar City and other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

Petitioner No.1-Gurpreet Singh was married with Parveen Kaur-complainant-respondent No.2 on 07.12.2014. Thereafter, some differences arose between the parties and the complainant made a complaint, on the basis of which, the aforesaid FIR was registered

against the petitioners. Subsequently, a compromise was arrived at between the parties with the intervention of close relatives and common friends. It was decided that a petition for divorce with mutual consent will be filed under Section 13-B of the Hindu Marriage Act, 1955. The complainant has also given an affidavit stating therein that she has no objection in quashing of the FIR and other proceedings.

While issuing notice of motion on 11.08.2015, the parties were directed to appear before the Area Judicial Magistrate for recording of their statements with regard to compromise.

In response to the said directions issued by this Court, the parties have appeared before the Judicial Magistrate Ist Class, Jalandhar and their statements were recorded. After recording of their statements, 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 force and pressure. Complainant-respondent No.2 has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings.

Learned counsel for respondent No.2 has not disputed the factum of compromise arrived at between the parties.

Heard.

Since the dispute between the parties is matrimonial in nature and the same has been amicably 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 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.19 dated 17.04.2015 registered under Sections 406 and 498-A IPC at Police Station Women, Police District Jalandhar City as well as all subsequent proceedings arising therefrom qua petitioners, namely, Gurpreet Singh, Harmesh Lal and Palwinder Kaur, are hereby quashed.

01.02.2016
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(DAYA CHAUDHARY)
JUDGE