

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

235

**Criminal Misc. No. M-2704 of 2015
Date of decision: 26th February, 2016**

Darshan Singh @ Bunti and others

....Petitioners

versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Sandeep K. Sharma, Advocate for the petitioners.

Mr. T.N. Sarup, Addl. A.G., Punjab.

None for respondent No.2.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioners, namely, Darshan Singh @ Bunti, Tunna Singh, Himmat Singh, Jaswinder Kaur, Balwinder Singh @ Binder and Manjit Kaur for quashing of FIR No.165 dated 13.11.2008 registered under Sections 406/498-A of the Indian Penal Code at Police Station Ropar (Annexure P-1) and other proceedings arising therefrom on the basis of compromise arrived at between the parties.

Brief facts of the case are that the marriage of petitioner No.1 was solemnized with respondent No.2 on 24.02.2008 and subsequently, some differences arose between them. On the basis of complaint made by respondent No.2, the aforesaid FIR was registered against the petitioners.

Learned counsel for the petitioners submits that during pendency of the proceedings, with the intervention of the relatives and family members, the differences between the parties were sorted out and the parties have decided to live separately. A divorce petition under Section 13B of the Hindu Marriage Act was filed which has been allowed and the complainant has also re-married. The statement of complainant-respondent No.2 has been recorded before Judicial Magistrate 1st Class, Ropar which is annexed as Annexure P-2 with the petition wherein the factum of compromise has been affirmed and she has specifically stated that she has no objection in case, the petitioners are acquitted of the charges by the trial Court.

Notice of motion was issued on 27.01.2015. In spite of effecting of service upon respondent No.2, she has not appeared.

Learned counsel for respondent-State has affirmed the factum of compromise arrived at between the parties.

Heard the arguments advanced by learned counsel for the parties and have also perused the allegations levelled against the petitioner in the FIR and other documents available on record including the statement of the complainant (Annexure P-2).

Admittedly, the fact of solemnization of marriage between the parties has not been disputed. During pendency of the proceedings, the statement of the complainant, namely, Mandeep Kaur was recorded which is reproduced as under:

"Stated that FIR No.165 dated 13.11.2008 under Sections 406, 498-A IPC was lodged on my statement against Darshan Singh, Manjit Kaur, Jaswinder Kaur, Tunna Singh, Himmat Singh and Binder Singh. Darshan Singh is my husband. My marriage was solemnized with Darshan Singh. Remaining accused are from my in laws family. I have taken divorce from my husband Darshan Singh about 2 years back and solemnized new marriage and now as per my relatives and near ones I have entered into a compromise with the accused present in the Court and as per compromise, had received Rs.1,50,000/-. Now, I have no complaint against the accused. Now I am residing happily in my new family. I do not want to further prosecute the present case. If the accused are acquitted in the present case then I will have no objection."

Similarly, a joint statement of all the accused persons was also recorded which was duly signed by them and the same is also reproduced as under:

"Statement of Darshan, Manjit Kaur, Jaswinder Kaur, Tunna Singh, Himmat Singh, Binder Singh accused in

case no.165 dated 13.11.2008 under sections 406/498-A IPC P.S. Sadar Ropar lodged on the statement of Mandeep Kaur. Mandeep Kaur was married with Darshan Singh. Due to some reasons, both of them could not reconcile and both of them have taken divorce from the Court about 2 years back. After divorce Manjit Kaur has again solemnized marriage. Now with the intervention of the relatives and near ones, we have entered into a compromise with the complainant Mandeep Kaur according to which Darshan Singh has given Rupees one lakh fifty thousand to Mandeep Kaur towards her past, present and future and marriage expenses. This compromise has been affected with the consent of both the parties."

Since it is a matrimonial dispute which has been settled by way of compromise; and considering the fact that the complainant has specifically stated while appearing before Judicial Magistrate Ist Class, Ropar that she has no objection in case, the petitioners are acquitted of the charges and she has also re-married, there is no justification in continuation of the proceedings and it would be a futile exercise as the complainant is not going to support the case of the prosecution. It would not only be mere wastage of valuable time of the Court but it would also not be in the interest/welfare of both the parties. This Court has inherent powers under Section 482 Cr.P.C. to quash the criminal proceedings even in non-compoundable offences

on the basis of compromise.

Accordingly, this petition is allowed and FIR No.165 dated 13.11.2008 registered under Sections 406/498-A of the Indian Penal Code at Police Station Ropar (Annexure P-1) as well as other proceedings arising therefrom qua petitioners, namely, Darshan Singh @ Bunti, Tunna Singh, Himmat Singh, Jaswinder Kaur, Balwinder Singh @ Binder and Manjit Kaur are hereby quashed.

February 26, 2016
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(DAYA CHAUDHARY)
JUDGE