

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-28081 of 2015

DATE OF DECISION: 15.02.2016

Tarsem Singh 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:- Mr. Gaurav Sethi, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

Mr. Gagandeep Singh, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 69 dated 6.12.2010 registered under Sections 498-A/406/323/506/34 IPC at Police Station Naggal, District Ambala and other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Briefly, the facts of the case are that the marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 27.2.2009 and out of said wedlock, one child was also born. Subsequently, due to temperamental differences, dispute arose between the parties and

petitioner No.1 and respondent No.2 started living separate from 8.10.2010. Thereafter, a complaint was made by respondent No.2, on the basis of which, the aforesaid FIR was registered. During pendency of the proceedings, with the intervention of respectables and common relatives, the dispute between the parties was settled by way of a written compromise dated 20.7.2015, wherein, they have decided to put an end to their dispute by parting their ways. They have also decided to file a joint petition under Section 13-B of Hindu Marriage Act for grant of divorce with mutual consent and to withdraw all the pending litigations between them. The amount in lump-sum has been settled as full and final payment towards permanent alimony and maintenance and all dowry articles were also returned.

While issuing notice of motion on 24.8.2015, the parties were directed 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 the Judicial Magistrate Ist Class, Ambala 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 pressure from either side. A joint statement has also been made by both the parties, wherein, it has been mentioned that petition under Section 13-B of Hindu Marriage Act has already been filed and the same is still pending and the petition filed under Section 125 Cr.P.C. has been withdrawn. Complainant-respondent No.2 has specifically stated that she has no objection in quashing of the FIR and other proceedings.

Learned counsel for respondent No.2 has also not disputed the factum of compromise arrived at between the parties as well as the statements recorded before the trial Court.

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. 69 dated 6.12.2010 registered under Sections 498-A/406/323/506/34 IPC at Police Station Naggal, District Ambala as well as all subsequent proceedings arising therefrom qua petitioners, namely, Tarsem Singh, Jasbir Singh and Paramjit Kaur, are hereby quashed.

February 15, 2016
pooja

(DAYA CHAUDHARY)
JUDGE