

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

252

**Criminal Misc. No. M-28415 of 2015
Date of decision: January 14, 2016**

Gurvinder Singh and anotherPetitioners

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. Paramjit Singh Saini, Advocate for the petitioners.

Mr. Rupam Aggarwal, DAG, 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, Gurvinder Singh and Joginder Kaur for quashing of FIR No.69 dated 12.05.2014 registered under Sections 323, 406, 498A read with Section 34 of the Indian Penal Code at Police Station Mataur, District SAS Nagar, Mohali (Annexure P-1) and other proceedings arising therefrom on the basis of compromise arrived at between the parties.

Notice of motion was issued on 24.08.2015 and vide order dated 03.11.2015, the parties were directed to appear before Illaqa Magistrate/trial Court for recording of their statements with regard to compromise. The Illaqa Magistrate/trial Court was also directed to send a report as to whether the compromise arrived at between the parties is genuine and without any pressure from either side or not.

In response thereto, the parties have appeared before learned Judicial Magistrate Ist Class, SAS Nagar, Mohali and their statements were recorded. A report has been sent by the Judicial Magistrate Ist Class, SAS Nagar, Mohali wherein, the factum of compromise has been affirmed. It has also been mentioned therein that the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR and other proceedings arising therefrom. It has also been mentioned therein that the parties to the dispute have specifically stated in their respective statement that the compromise arrived at between them is as per their free will and without any pressure from either side. No other case is stated to be pending against either of the parties and now they do not want to proceed with the proceedings any further.

Since it is a matrimonial dispute, which has been settled by way of compromise and the complainant has no objection in quashing of the FIR on the basis of compromise. Continuation of proceedings 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 the valuable time of the Court but it would also not be in the interest 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.69 dated 12.05.2014 registered under Sections 323, 406, 498A read with Section 34 of the Indian Penal Code at Police Station Mataur, District SAS Nagar, Mohali (Annexure P-1) as well as other proceedings arising therefrom qua petitioners, namely, Gurvinder Singh and Joginder Kaur are hereby quashed.

January 14, 2016

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**(DAYA CHAUDHARY)
JUDGE**