

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

Crl. Misc. No.M-28489 of 2015

Date of Decision: 15.02.2016

Taranjit Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the 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. Pardeep Bajaj, Advocate
for the petitioners.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Mr. Rahul Sharma, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

This petition has been filed under Section 482 of the Cr.P.C for quashing of FIR No.145 dated 04.12.2006 registered under Sections 406/498-A IPC at Police Station Dakha, District Ludhiana and other proceedings arising therefrom on the basis of compromise arrived at between the parties on 11.05.2015.

The FIR, in question, was registered on the basis of complaint made by respondent No.2. The petitioners, in the present case, are husband, father-in-law and mother-in-law, respectively of respondent No.2.

The marriage of petitioner No.1 was solemnized with respondent No.2 on

08.09.2005. Petitioners left for Canada soon after the marriage as they were permanent citizens of Canada but due to some differences that arose between the parties, the complainant-respondent No.2 did not accompany her husband i.e petitioner No.1. Said FIR was registered at their back and petitioner no.1 was not having any knowledge regarding the same. Moreover, only at the time of execution of warrants, it came to the knowledge of the police authorities that petitioner No.1 is residing in Canada. The petitioners were declared as proclaimed offenders vide order dated 12.09.2007 and no service was effected upon them.

During this period, respondent No.2 filed a petition under Section 13 of the Hindu Marriage Act for grant of decree of divorce, which was allowed ex-parte vide judgment and decree dated 04.06.2007 passed by the Additional District Judge, Ludhiana.

In the meantime, better sense prevailed between the parties and they compromised the matter with each other. The petitioner got the compromise executed through Special Power of Attorney-Surinder Singh. Complainant also gave her affidavit supporting the contents of compromise and stated that she has no objection with the acquittal of the petitioners after quashing of FIR.

As per directions issued by this Court on 04.09.2015, both the parties appeared before the Judicial Magistrate 1st Class, Ludhiana, wherein, their statements were recorded. After recording the statements of the parties, a report has been sent which is on record. It has been mentioned in the report that the complainant as well as accused persons, namely, Taranjit Singh Sekhon, Harchand Singh Sekhon, Harminder Kaur Sekhon and Surinder Singh appeared and their statements were recorded. It has also been mentioned that the complainant has received an amount of ₹ 5 lacs from accused party vide Cheque No.055420 dated 11.05.2015

drawn on State Bank of Patiala. Complainant has also stated in her statement that she has received full and final payment of ₹ 15 lacs from the accused, in total, and now nothing remains due against them. The complainant has also stated that she has no objection in quashing of the FIR and other proceedings arising therefrom. Not only in the report but also in the statements of the parties, it has been mentioned that the compromise between the parties is as per free will and without any pressure from either side.

It is a matrimonial dispute and has now been compromised between the parties. The complainant is satisfied with the compromise and she has no objection in quashing of the FIR and moreover, no purpose would be served, in case, the proceedings are allowed to be continued as the ultimate result would be acquittal as the complainant is not going to support the case of the prosecution. The continuation of the proceedings would be an exercise in futility and will not only be the wastage of valuable time of the Court but it would also not be in the interest of both the parties. Moreover, this Court has power to quash the proceedings on the basis of compromise.

Hon'ble the Apex Court in case ***Y. Suresh Babu vs State of A.P and another JT 1987(2) SC 361*** has also allowed the compromise even in case of non-compoundable offence i.e under Section 326 IPC.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052*** has held that there is no statutory bar under the Cr.P.C which can affect the inherent power of this Court under Section 482 Cr.P.C and the same cannot be limited to matrimonial cases alone. This Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C in order to prevent the abuse of law and to secure the

ends of justice.

In various judgments of Hon'ble the Apex Court as well as of this Court, it has been held that the litigation can come to an end between the parties, in case, the object is to maintain peace and harmony in the relations.

In the present case, the compromise has been effected between the parties with their free will and without any pressure. The continuation of proceedings in future would be futile as no purpose is going to be achieved in any manner.

Accordingly, the present petition is allowed and FIR No.145 dated 04.12.2006 registered under Sections 406/498-A IPC at Police Station Dakha, District Ludhiana along with all consequential proceedings arising therefrom, qua petitioners Taranjit Singh Sekhon, Harchand Singh Sekhon and Harminder Kaur Sekhon are hereby quashed.

15.02.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE