

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

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**Criminal Misc. No. M-33228 of 2015
Date of decision: January 21, 2016**

Satnam Singh and another

....Petitioners

versus

State of Punjab and others

...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. Gurvinder Singh Sidhu, Advocate for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab.

None for respondents No.2 & 3.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioners, namely, Satnam Singh and Basant Singh for quashing of FIR No.21 dated 02.07.2011 registered under Sections 406, 498A of the Indian Penal Code at Police Station Women Cell, Bathinda, District Bathinda (Annexure P-1) and other proceedings arising therefrom on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners submits that the present FIR has been registered on the basis of complaint made by respondent No.3, namely, Sarabjit Kaur and with the intervention of the relatives and respectables of the village, a compromise has been arrived at between the parties. Learned counsel also submits that as per compromise, petitioner No.1 and respondent No.3 have filed a divorce petition with mutual consent wherein first motion statement has also been recorded.

Notice of motion was issued on 30.09.2015 and the parties were directed to appear before the trial Court for recording of their statements with regard to compromise. The 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, Bathinda and their statements were recorded. A report has also been sent by the Judicial Magistrate Ist Class, Bathinda, 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.21 dated 02.07.2011 registered under Sections 406, 498A of the Indian Penal Code at Police Station Women Cell, Bathinda, District Bathinda (Annexure P-1) as well as other proceedings arising therefrom qua petitioners, namely, Satnam Singh and Basant Singh are hereby quashed.

January 21, 2016
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(DAYA CHAUDHARY)
JUDGE