

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

**Criminal Misc. No. M-33258 of 2015
Date of decision: 01.02.2016**

Jaspreet Singh and another

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers 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. Gurminder S. Salana, Advocate for
Mr. B.P. Singh Gill, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab
for respondent No.1 – State.

Mr. P.S. Punia, Advocate
for respondent No.2.

Daya Chaudhary, J.

Petitioners, namely, Jaspreet Singh and Nimmi are accused in FIR No.16 dated 23.03.2012 registered under Sections 498-A and 406 of Indian Penal Code (for short 'IPC') at Police Station Women, Ludhiana.

During pendency of the proceedings, a compromise was arrived at between the parties and they decided to end the bitterness in their life. A petition under Section 13-B of the Hindu Marriage Act, 1955 was filed and the same has been allowed by learned District and

Sessions Judge, Ludhiana on 04.09.2015. As per terms and conditions of the compromise, the petition filed under Section 125 Cr.P.C. has been withdrawn. Thereafter, the present petition has been filed for quashing of aforesaid FIR and other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Notice of motion was issued in the case on 29.09.2015 and thereafter, vide order dated 27.11.2015, the parties were directed to appear before the Illaqa Magistrate/trial Court for recording of their statements with regard to compromise.

In response to the said directions issued by this Court, the parties have appeared before the trial Court and their statements were recorded. After recording of their statements, a report along with the statements of the parties has been sent by Judicial Magistrate Ist Class, Ludhiana, 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 without any pressure and coercion. Complainant-respondent No.2 has specifically stated in her statement 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.

Heard.

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 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.16 dated 23.03.2012 registered under Sections 498-A and 406 IPC at Police Station Women, Ludhiana as well as all subsequent proceedings arising therefrom qua the petitioners, namely, Jaspreet Singh and Nimmi, are hereby quashed.

01.02.2016
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(DAYA CHAUDHARY)
JUDGE