

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-34430 of 2015

DATE OF DECISION: 24.05.2016

Jaswinder Singh

.....Petitioner

Versus

State of Punjab 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. H.S. Jajal, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Manuj Nagrath, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 249 dated 3.8.2013 registered under Sections 406/420/354/323/120-B IPC at Police Station City Ferozepur, District Ferozepur, on the basis of compromise, arrived at between the parties.

Petitioner-Jaswinder Singh got married with complainant-respondent No.2 in the year 2008. A male child was also born out of the said wedlock. After sometime, some differences arose between the parties and they could not pull on together. Both of them decided to part with their ways and accordingly got divorce with mutual consent in the month of July,

2012 while they were in Australia. The aforesaid FIR was registered under Sections 406,420,354,323,120-B IPC in the year 2013. At that time, the petitioner was residing in Australia and was declared proclaimed offender on 13.1.2014. The other family members of the petitioner also faced trial and ultimately they were acquitted of the charges vide judgment dated 9.6.2015. The petitioner-husband filed a petition for grant of anticipatory bail, which was allowed on 24.9.2015 by Additional Sessions Judge, Ferozepur. Now with the intervention of respectables and family members from both the sides, the dispute has amicably been settled between the parties and the compromise arrived at between them was reduced into writing, which was signed by both the parties, wherein, certain terms and conditions were settled. It has been decided between the parties that respondent No.2 will not claim custody of the child. Complainant-respondent No.2 has also received permanent alimony from the petitioner and has filed an affidavit on stamp paper stating therein that she does not want to proceed against the petitioner as she is residing with her parents.

Notice of motion was issued in the case on 8.10.2015 and vide order dated 17.12.2015, both the parties were directed to appear before the trial Court for recording of their statements with regard to compromise but their statements could not be recorded. Vide order dated 15.2.2016 one more opportunity was granted to the parties to appear again before the trial Court and their statements were recorded by Chief Judicial Magistrate, Ferozepur.

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.

Complainant-respondent No.2 has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings.

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. 249 dated 3.8.2013 registered under Sections 406/420/354/323/120-B IPC at Police Station City Ferozepur, District Ferozepur as well as all subsequent proceedings arising therefrom qua petitioner, namely, Jaswinder Singh are hereby quashed.

May 24, 2016
pooja

(DAYA CHAUDHARY)
JUDGE