

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

**Criminal Misc. No. M-34894 of 2015 (O&M)
Date of decision: 11.05.2016**

Inder Singh and others

..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. A.S. Sivia, Advocate
for the petitioner.

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

Mr. Ajay Pal Singh, Advocate
for respondent No.2.

Daya Chaudhary, J.

Petitioners, namely, Inder Singh, Sukhram Singh, Rajpal Kaur, Sandeep Kaur and Monika Rani, are accused in FIR No.104 dated 07.08.2010 registered under Sections 498-A, 494, 420, 406, 506 and 120-B of Indian Penal Code (for short 'IPC') at Police Station Sadar, Sri Muktsar Sahib.

The marriage of petitioner No.1-Inder Singh was solemnized with respondent No.2-Sukhdial Kaur alias Amanpreet Kaur on 04.12.2005. One female child was also born out of said wedlock but due to some differences arose between the parties, they could not pull on their lives despite the best efforts made by the family

members and the relatives. Respondent No.2 made a complaint against the petitioners, on the basis of which, the aforesaid FIR was registered. After some time, better sense prevailed upon both the parties and they agreed to compromise the matter. A petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') was filed and the same has been allowed. Complainant has received the amount as settled in the compromise. As per compromise arrived at between the parties, the present petition has been filed for quashing of the aforesaid FIR on the basis of compromise.

While issuing notice of motion on 03.12.2015, parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to said directions issued by this Court, the parties appeared before Additional Chief Judicial Magistrate, Sri Muktsar Sahib and their statements with regard to compromise were recorded. 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 voluntary and without any pressure or coercion 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.

The dispute between the parties is matrimonial in nature and the same has been settled by way of compromise. The petition filed under Section 13-B of the Act has been allowed and now the

parties have no grievance against each other. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. Moreover, no purpose would be served in case proceedings are allowed to continue in future as the complainant is not going to support the case of the prosecution and it would result into wastage of precious time of the Court.

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, by exercising powers provided under Section 482 Cr.P.C. and as per ratio of judgment in **Kulwinder Singh's case (supra)**, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 104 dated 07.08.2010 registered under Sections 498-A, 494, 420, 406, 506 and 120-B IPC at Police Station Sadar, Sri Muktsar Sahib as well as all subsequent proceedings arising therefrom qua petitioners, namely, Inder Singh, Sukhram Singh, Rajpal Kaur, Sandeep Kaur and Monika Rani, are hereby quashed.

11.05.2016
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(DAYA CHAUDHARY)
JUDGE