

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-36009 of 2015

DATE OF DECISION: 21.04.2016

Kapil and others

.....Petitioners

Versus

State of Haryana 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. Dhruv Gupta, Advocate
for the petitioners.

Mr. B.S. Virk, DAG, Haryana.

Mr. Gursimran Singh, Advocate
for Ms. Amandeep Sibia, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

Petitioners-Kapil, Breej Mohan Verma and Anita are accused in case FIR No. 193 dated 20.5.2015 registered under Sections 323 and 498-A IPC at Police Station City Gohana, District Sonipat.

Aforesaid FIR was registered on the basis of complaint made by complainant-respondent No.2. Subsequently during pendency of the proceedings, a compromise was arrived at between the parties and complainant has no objection in quashing of the FIR and other proceedings.

Learned counsel for the petitioners contends that as per direction issued by this Court on 8.1.2016, the statements of the parties

were recorded by SDJM, Gohana, wherein, factum of compromise has been affirmed. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings.

Learned counsel appearing for respondent No.2 has also not disputed the submissions made by learned counsel for the petitioners.

Heard the arguments advanced by learned counsel for the parties and have also perused the allegations levelled in the FIR, the compromise effected between the parties as well as statements of the parties.

The marriage between petitioner No1. and respondent No.2 was solemnized on 26.10.2009 but subsequently, some temperamental differences arose between petitioner No.1 and respondent No.2. Petitioner No.2 is father-in-law, whereas, petitioner No.3 is mother-in-law of complainant-respondent No.2. Initially proceedings under Section 107/151 Cr.P.C. were initiated in pursuance of DDR No. 28PP dated 31.5.2012 registered at Police Station Hari Nagar, Delhi but the same were dropped by the Special Executive Magistrate West, New Delhi on 30.11.2012 but said order was never challenged before any court of law. Thereafter, the present FIR case was registered on 20.5.2015. With the intervention of family members and relatives, the dispute between the parties was settled. It was decided that both the parties will reside together with harmony and peace and will abide by all the terms and conditions of the settlement. The compromise/settlement arrived at between the parties was signed by both the parties.

Learned counsel for the petitioners submits that both the parties are living together and are happy in their matrimonial life. The complainant is not interested in pursuing the FIR because of the compromise arrived at between the parties.

On perusal of statements of the parties recorded in view of direction issued by this Court on 8.1.2016, it is apparent that the complainant has specifically stated in her statement that the matter has been compromised between the parties with her free will. 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. 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 result into 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. 193 dated 20.5.2015 registered under Sections 323 and 498-A IPC at Police Station City Gohana, District Sonipat as well as all subsequent proceedings arising therefrom qua petitioners, namely, Kapil, Breej Mohan Verma and Anita, are hereby quashed.

April 21, 2016
pooja

(DAYA CHAUDHARY)
JUDGE