

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

**Criminal Misc. No. M-36083 of 2015
Date of decision: 29.02.2016**

Sukhjinder Singh

..Petitioner

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. Parvez Akhtar, Advocate
for the petitioner.

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

Mr. Mandeep Singh, Advocate for
Mr. Amit Dhawan, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.78 dated 29.06.2011 registered under Sections 406, 498-A and 506 of Indian Penal Code (for short 'IPC') at Police Station City Ahmedgarh, District Sangrur and other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

The aforesaid FIR was registered on the basis of complaint made by respondent No.2 against the petitioner, who is her

husband. Thereafter, challan was presented and even charges have also been framed. During pendency of the proceedings, a compromise has been arrived at between the parties.

Notice of motion was issued in the case on 19.10.2015 and thereafter, vide order dated 14.12.2015, 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 appeared before Judicial Magistrate Ist Class/Illaqa Magistrate, Malerkotla and their statements were recorded. 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 as per free will 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.

Moreover, the object 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.78 dated 29.06.2011 registered under Sections 406, 498-A and 506 IPC at Police Station City Ahmedgarh, District Sangrur as well as all subsequent proceedings arising therefrom qua petitioner, namely, Sukhjinder Singh, are hereby quashed.

29.02.2016
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(DAYA CHAUDHARY)
JUDGE