

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-36551 of 2015

DATE OF DECISION: 08.04.2016

Sanjeev and another

.....Petitioners

Versus

State of Haryana

.....Respondent

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. SR Hooda, Advocate
for the petitioners.

Mr. Soufia Gupta, AAG, Haryana.

DAYA CHAUDHARY, J.

The Prayer in the present petition is for quashing of FIR No.112 dated 5.5.2013 registered under Sections 498-A/406/506/34 IPC at Police Station Rai District Sonapat and other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Briefly, the facts of the case are that the marriage between the petitioners was solemnized on 14.12.2007 but their relations started deteriorating and they could not pull on their married life for a long period. Subsequently with the intervention of relations and friends a compromise was arrived at between the petitioners and now the present petition has been filed by the petitioners i.e. husband as well as wife jointly for quashing

of the FIR and other proceedings on the basis of compromise.

Notice of motion was issued in the case on 21.10.2015 and vide order dated 18.12.2015, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to the said direction issued by this Court, the petitioners have appeared before Chief Judicial Magistrate, Sonapat and their statements were recorded. After recording of their statements, a report along with statements 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-petitioner No.2- Pooja has specifically stated in her statement that she has settled the dispute with the accused persons and 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-petitioner No.2 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.112 dated 5.5.2013 registered under Sections 498-A/406/506/34 IPC at Police Station Rai District Sonapat as well as all subsequent proceedings arising therefrom qua petitioner No.1, namely, Sanjeev are hereby quashed.

April 08, 2016
pooja

(DAYA CHAUDHARY)
JUDGE