

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

**Criminal Misc. No. M-36578 of 2015
Date of decision: 29.04.2016**

Baljinder Singh and another

..Petitioners

Versus

State of Punjab and others

..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. Vishal Handa, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab
for respondent Nos.1 and 2 – State.

None for respondent No.3.

Daya Chaudhary, J.

Petitioners, namely, Baljinder Singh and Sukwinder Kaur, are accused in FIR No.44 dated 21.03.2012 registered under Sections 406 and 498-A of Indian Penal Code (for short 'IPC') (wrongly mentioned as Section 420/34 IPC in the head note) at Police Station Sultan Wind, District Amritsar City at the instance of respondent No.3.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR on the basis of compromise.

Learned counsel for the petitioners submits that the aforesaid FIR was registered due to misunderstanding between the parties but subsequently, the dispute between the parties has been

settled amicably with the intervention of the respectables and relatives. Respondent No.3 has submitted an affidavit stating therein that she does not want to pursue the case against the petitioners and has no objection in quashing of the FIR and other proceedings. Learned counsel also submits that both the parties have abided all the terms and conditions of the compromise and nothing remains between them.

While issuing notice of motion on 29.10.2015, parties were directed to appear before 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, Amritsar 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 genuine and without any pressure, threat or influence. Complainant-respondent No.3 has specifically stated in her statement that she has compromised the matter with the accused persons and has no objection in quashing of the FIR and other proceedings.

Although respondent No.3 has been served but neither she is present nor she has been represented by any counsel.

The dispute between the parties is matrimonial in nature and the same has been settled by way of compromise. Complainant-

respondent No.3 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.

This Court has power under Section 482 Cr.P.C. to quash the criminal proceedings or to allow compounding of the offences even in the offences, which are non-compoundable.

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.44 dated 21.03.2012 registered under Sections 406 and 498-A IPC at Police Station Sultan Wind, District Amritsar City as well as all subsequent proceedings arising therefrom qua petitioners, namely, Baljinder Singh and Sukwinder Kaur, are hereby quashed.

However, it is made clear that as complainant-respondent No.3 is neither present nor represented by any counsel, she would be at liberty to revive the order, if violation of any terms and conditions is there.

29.04.2016

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(DAYA CHAUDHARY)
JUDGE