

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-36621 of 2015

DATE OF DECISION: 09.02.2016

Balbir Singh and others

.....Petitioners

Versus

State of Punjab 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. Swarn Tiwana, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. N.S. Sidhu, Advocate for
Mr. Gitish Bhardwaj, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.100 dated 28.7.2015 registered under Sections 406,498-A,34 of Indian Penal Code (for short 'IPC') at Police Station Payel, District Ludhiana and other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered on the basis of statement made by complainant-respondent No.2, wherein, the allegations of demand of dowry and harassment were levelled against the accused persons. The

petitioners are father-in-law, husband, mother-in-law and sister-in-law (Nanad) of complainant-respondent No.2, respectively. The marriage of respondent No.2 was solemnized with petitioner No.2 on 23.3.2008 and out of the said wedlock, one female child was also born on 24.7.2009. During pendency of the proceedings, the matter has been compromised between the parties.

Vide order dated 6.11.2015, 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 parties appeared before Sub Divisional Judicial Magistrate, Payel 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 genuine and without any pressure from either side. Complainant-respondent No.2 has specifically stated in her statement that the compromise has been arrived at between the parties and the same is as per her free will and there was no pressure from either side. She has also stated 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. 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.100 dated 28.7.2015 registered under Sections 406,498-A,34 IPC at Police Station Payel, District Ludhiana as well as all subsequent proceedings arising therefrom qua petitioners, namely, Balbir Singh, Harminderdeep Singh, Charanjit Kaur and Supandeep Kaur @ Jaspreet Kaur, are hereby quashed.

February 09, 2016
pooja

(DAYA CHAUDHARY)
JUDGE