

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

**Criminal Misc. No. M-37946 of 2015
Date of decision: 12.04.2016**

Shivraj and others

..Petitioners

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. Deepak Verma, Advocate
for the petitioners.

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

Mr. H.S. Randhawa, Advocate
for respondent No.2.

Daya Chaudhary, J.

Petitioners, namely, Shivraj, Rajinder Kumar and Shardha Rani, are accused in FIR No.73 dated 30.03.2015, under Sections 498-A, 406 of Indian Penal Code (for short 'IPC') registered at Police Station Kapurthala City, District Kapurthala at the instance of respondent No.2 alleging certain allegations of demand of dowry and harassment.

During pendency of the proceedings, the dispute was settled between the parties before Mediation and Conciliation Centre

of this Court. Both the parties agreed to file divorce petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') and the same was filed, which has been allowed and divorce has been granted vide judgment and decree of divorce dated 08.04.2016.

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

Notice of motion was issued in the case on 05.11.2015 and thereafter, vide order dated 22.12.2015, parties were directed to appear before 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 have appeared before Chief Judicial Magistrate, Kapurthala 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 voluntary and without any pressure, threat or coercion. Complainant-respondent No.2 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.

The dispute between the parties is matrimonial in nature and the same has been settled by way of compromise. The petition filed under Section 13-B of the Act has been allowed. Complainant-

respondent 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 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.73 dated 30.03.2015, under Sections 498-A, 406 IPC registered at Police Station Kapurthala City, District Kapurthala as well as all subsequent proceedings arising therefrom qua petitioners, namely, Shivraj, Rajinder Kumar and Shardha Rani, are hereby quashed.

12.04.2016
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(DAYA CHAUDHARY)
JUDGE