

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

**Criminal Misc. No. M-38031 of 2015 (O&M)
Date of decision: 29.04.2016**

Jashandeep Singh 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. Joginder Pal Ratra, Advocate
for the petitioners.

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

Mr. Amit K. Saini, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.64 dated 09.10.2015 registered under Sections 307, 324, 323, 109, 406, 498-A, 506 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Sadiq, District Faridkot on the basis of compromise arrived at between the parties.

Petitioner No.1-Jashandeep Singh and respondent No.2-Jagdip Kaur got married but no issue was born from the wedlock. Certain temperamental differences arose between the parties, due to

which, it became difficult for them to remain together and to pull on their matrimonial life. Respondent No.2 made a complaint against the petitioners on the basis of which, the aforesaid FIR was registered. During pendency of the proceedings and with the intervention of respectables and common relatives, a compromise was arrived at between the parties on 27.10.2015 wherein it was settled that the petitioners shall pay an amount of ₹20,50,000/- to respondent No.2 as full and final maintenance including permanent alimony and future rights. It was also agreed that respondent No.2 will not claim any right over the property and there shall be an end to the litigation by withdrawing the cases registered against each other.

Learned counsel for the petitioners submits that the dispute between the parties has been settled and a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') for grant of divorce with mutual consent has been filed wherein joint statement of the parties has been recorded.

Learned counsel for respondent No.2 has affirmed the factum of compromise as well as the submissions made by learned counsel for the petitioners.

Heard arguments of learned counsel for the parties and have also perused the documents available on the file including statements of the parties as well as the report sent by Judicial Magistrate Ist Class, Faridkot.

In response to the directions issued by this Court on

16.03.2016, the parties appeared before Judicial Magistrate 1st Class, Faridkot 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 as per their free will and without any pressure, threat or coercion. It has also been mentioned in the report that the petition filed under Section 13-B of the Act is pending for 30.04.2016. Complainant-respondent No.2 has specifically stated in her statement that she does not want to proceed against the accused persons and has also 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. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. Moreover, no purpose would be served in case proceedings are continued in future as it would amount to wastage of precious time of the Court.

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. 64 dated 09.10.2015 registered under Sections 307, 324, 323, 109, 406, 498-A, 506 read with Section 34 IPC at Police Station Sadiq, District Faridkot as well as all subsequent proceedings arising therefrom qua petitioners, namely, Jashandeep Singh, Amarjit Singh and Chhinder Kaur @ Jaswinder Kaur, are hereby quashed.

29.04.2016
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(DAYA CHAUDHARY)
JUDGE