

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

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**Criminal Misc. No. M-38032 of 2015
Date of decision: January 21, 2016**

Ashok Kumar and others

....Petitioners

versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Harman Handa, Advocate for
Mr. R.S. Bajaj, Advocate for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab.

None for respondent No.2.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. by petitioners, namely, Ashok Kumar, Tripati Devi, Kishan Ram and Paramjit for quashing of FIR No.63 dated 12.08.2014 registered under Sections 406, 498A of the Indian Penal Code at Police Station Women Cell, District Jalandhar (Annexure P-1) and other proceedings arising therefrom on the basis of compromise

arrived at between the parties.

Brief facts of the case are that the marriage of petitioner No.1 was solemnized with respondent No.2 on 01.06.2010. Subsequently, some differences arose between them and on the basis of complaint made by respondent No.2, the aforesaid FIR was registered against the petitioners.

Learned counsel for the petitioners submits that during pendency of the proceedings, with the intervention of the respectables of the society, a compromise was arrived at between the parties and now petitioner No.1 and respondent No.2 are residing together as husband and wife. Learned counsel also submits that the complainant has no objection in quashing of the FIR and other proceedings arising therefrom.

As per terms and conditions of the compromise (Annexure P-2) arrived at between the parties, petitioner No.1 and respondent No.2 will reside together as husband and wife alongwith their minor son. Petitioner No.1 shall deposit an amount of Rs.10,000/- per month in the account of respondent No.2 and both the parties will withdraw all the cases pending against each other.

Notice of motion was issued on 06.11.2015 and the parties were directed to appear before the trial Court for recording of their statements with regard to compromise. The trial Court was also directed to send a report as to whether the compromise arrived at between the parties is genuine and without any pressure from either

side or not.

In response thereto, the parties appeared before learned Judicial Magistrate Ist Class, Jalandhar and their statements were recorded. A report has been sent by the Judicial Magistrate Ist Class, Jalandhar, wherein the factum of compromise has been affirmed. It has also been mentioned therein that the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR and other proceedings arising therefrom. It has also been mentioned therein that the parties to the dispute have specifically stated in their respective statement that the compromise arrived at between them is as per their free will and without any pressure from either side. No other case is stated to be pending against either of the parties and now they do not want to proceed with the proceedings any further.

Since it is a matrimonial dispute, which has been settled by way of compromise and the complainant has no objection in quashing of the FIR on the basis of compromise. Both the parties have entered into a written compromise (Annexure P-2) subject to certain terms and conditions which they have undertaken to abide. Continuation of proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution. It would not only be mere wastage of the valuable time of the Court but it would also not be in the interest of both the parties. This Court has inherent powers under Section 482 Cr.P.C. to quash the criminal

proceedings even in non-compoundable offences on the basis of compromise.

Accordingly, this petition is allowed and FIR No.63 dated 12.08.2014 registered under Sections 406, 498A of the Indian Penal Code at Police Station Women Cell, District Jalandhar (Annexure P-1) as well as other proceedings arising therefrom qua petitioners, namely, Ashok Kumar, Tripati Devi, Kishan Ram and Paramjit are hereby quashed.

January 21, 2016
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(DAYA CHAUDHARY)
JUDGE