

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-38068 of 2015

DATE OF DECISION: 10.05.2016

Tejinder 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:- Mrs. G.K. Turka, Advocate
for the petitioners.

Ms. Ritu Punj, Addl. A.G., Punjab.

Mr. Rishav Jain, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

Petitioners-Tejinder Singh, Balkar Singh and Surjit Kaur are accused in case FIR No. 52 dated 5.5.2014 registered under Sections 406, 498-A IPC at Police Station, Women Patiala, on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered on the basis of complaint made by complainant-respondent No.2 as certain differences arose between the parties and both the parties could not adjust with each other.

Subsequently, they sorted out their dispute before Mediation and

Conciliation Centre, Patiala and a written compromise was effected between the parties on 7.10.2015. As per terms and conditions of the written compromise, a total amount of ₹ 6 lacs was to be paid to respondent No.2 as full and final maintenance and it was decided to file divorce petition under Section 13-B of the Hindu Marriage Act.

Learned counsel for the petitioners contends that as per terms and conditions of the compromise amount settled in the compromise has been paid to complainant-respondent No.2 and the petition filed under Section 13-B of the Hindu Marriage Act has also been allowed and complainant-respondent No.2 has no objection in quashing of the proceedings against the petitioners in any manner.

Learned counsel for the complainant has not disputed the factum of compromise, the passing of decree of divorce under Section 13-B of the Hindu Marriage Act and receipt of amount settled in the compromise.

Heard the arguments advanced by learned counsel for the parties and have also gone through the written compromise arrived at between the parties as well as statements of the parties recorded by Judicial Magistrate Ist Class, Patiala in compliance of direction issued by this Court on 21.1.2016.

Complainant-respondent No.2 has specifically stated in her statement that she is satisfied with the compromise and has no objection in quashing of the FIR and other proceedings. The petition filed under Section 13-B of the Hindu Marriage Act for dissolution of marriage with mutual consent has already been allowed and amount settled in compromise has also been paid.

Since, it is a matrimonial dispute, which has been settled between the parties and the fact that the petition filed under Section 13-B

of Hindu Marriage Act has been allowed; all the terms and conditions of the compromise have been complied with and the complainant is not interested in continuation of the proceedings initiated against the petitioners, 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. 52 dated 5.5.2014 registered under Sections 406, 498-A IPC at Police Station, Women Patiala as well as all subsequent proceedings arising therefrom qua petitioners, namely, Tejinder Singh, Balkar Singh and Surjit Kaur are hereby quashed.

May 10, 2016
pooja

(DAYA CHAUDHARY)
JUDGE