

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

**Criminal Misc. No. M-38814 of 2015
Date of decision: 28.03.2016**

Surjit Kaur 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. Suvir Sheokand, Advocate
for the petitioner.

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

Mr. Yogesh 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.162 dated 26.12.2014 registered under Sections 498-A, 323, 325, 506 read with Section 34 of Indian Penal Code (for short 'IPC') and Section 406 IPC added later on at Police Station Division No.2, District Ludhiana City on the basis of compromise arrived at between the parties.

The aforesaid FIR was registered on the basis of complaint made by respondent No.2. During pendency of the

proceedings, a compromise was arrived at between the parties, which was reduced into writing and the same was signed by both the parties. On the basis of compromise, a petition for dissolution of marriage with mutual consent under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') was also filed wherein first motion statement was recorded on 26.10.2015 and the second motion statement is to be recorded on 30.04.2016.

Learned counsel appearing for respondent No.2 has affirmed the factum of compromise arrived at between the parties as complainant has also filed an affidavit stating therein that she has no objection in quashing of FIR and other proceedings.

While issuing notice of motion on 18.11.2015, parties were directed to appear before Area Judicial 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 Judicial Magistrate 1st Class, Ludhiana 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 genuine and without any pressure from either side. Complainant-respondent No.2-Manjeet Kaur has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings and the compromise is without any

pressure from other side. She has also stated that they have also filed a petition under Section 13-B of the Act and an amount of ₹7 lacs has been settled to be paid to her as past, present and future maintenance. Out of said settled amount, an amount of ₹3 lacs has already been paid to her at the time of recording of first motion statement.

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 result into wastage of precious time of the Court as the complainant is not going to support the case of the prosecution. Moreover, the purpose of the compromise is to maintain peace and harmony in the relations.

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, by exercising powers provided under Section 482 Cr.P.C. and in view of the ratio of judgment in **Kulwinder Singh's case (supra)**, the present petition is allowed and the impugned

criminal proceedings arising out of FIR No.162 dated 26.12.2014 registered under Sections 498-A, 323, 325, 506 read with Section 34 IPC and Section 406 IPC added later on at Police Station Division No.2, District Ludhiana City as well as all subsequent proceedings arising therefrom qua petitioners, namely, Surjit Kaur, Kawal pal Singh and Damanpreet Singh, are hereby quashed.

28.03.2016
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(DAYA CHAUDHARY)
JUDGE