

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

Criminal Misc. No. M-38952 of 2015

Date of decision: 20.05.2016

Birender Kumar and others

..Petitioners

Versus

State of Haryana 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. Neeraj Jain, Advocate
for the petitioners.

Mr. S.S. Pannu, DAG, Haryana
for respondent No.1 – State.

Mr. Shubham Kaushik, Advocate
for respondent No.2.

Daya Chaudhary, J.

Petitioners, namely, Birender Kumar, Surender Singh, Prithvi Singh and Kamla Devi, are accused in FIR No.616 dated 17.12.2010 registered under Sections 498-A, 323 and 506 of Indian Penal Code (for short 'IPC') at Police Station Sadar Bhiwani, District Bhiwani.

The marriage of petitioner No.1-Birender Kumar was solemnized with respondent No.2-Manju Bala on 29.04.2005 and a daughter was also born out of said wedlock. Some differences arose between the parties and the aforesaid FIR was registered against the petitioners. During pendency of the proceedings, with the intervention of respectables and

relatives, the dispute between the parties was settled and certain terms and conditions were settled as per settlement deed dated 29.10.2015. As per settlement arrived at between the parties, petitioner No.1 and respondent No.2 decided to part their ways amicably and to file a joint petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') for grant of divorce with mutual consent. It was also settled that petitioner No.1 would pay an amount of ₹1,50,000/- at the time of second motion statement and respondent No.2 would vacate the house of her father-in-law (petitioner No.3), who in turn would withdraw the execution proceedings pending against her. The custody of minor daughter was to be given to petitioner No.1.

Learned counsel for the petitioners as well as counsel for respondent No.2 submit that all the terms and conditions of the compromise have been complied with except the petition filed under Section 13-B of the Act, which is still pending for final decision. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings.

While issuing notice of motion on 18.11.2015, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to said directions issued by this Court, the parties appeared before Additional Chief Judicial Magistrate, Bhiwani 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 from either side. Complainant-respondent No.2 has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings.

The dispute between the parties is of matrimonial 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 allowed to be continued in future as the complainant is not going to support the case of the prosecution and 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 criminal proceedings arising out of FIR No.616 dated 17.12.2010 registered under Sections 498-A, 323 and 506 IPC at Police Station Sadar Bhiwani, District Bhiwani as well as all subsequent proceedings arising therefrom qua petitioners, namely, Birender Kumar, Surender Singh, Prithvi Singh and Kamla Devi, are hereby quashed.

20.05.2016
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(DAYA CHAUDHARY)
JUDGE