

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-38955 of 2015
DATE OF DECISION: 10.05.2016

Santosh Kumari 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:- Mr. Deepak Arora, Advocate
for the petitioners.

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

None for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 17 dated 13.10.2012 registered under Sections 406, 498-A and 313 IPC at Police Station NRI, Jalandhar, 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, wherein, certain allegations of demand of dowry and harassment were levelled against the accused-petitioners, who are sister-in-law, mother-in-law and husband of complainant-respondent No.2, respectively. Challan was presented against petitioners No.1 and 2 only and they were chargesheeted for offence punishable under Sections 406,498-A IPC.

Learned counsel for the petitioner contends that petitioner No.3-Raj Kumar was residing in UK and was settled there. He was never served and was declared proclaimed offender without effecting any service

upon him. During pendency of the proceedings, with the intervention of respectables and relatives, the matter was compromised between the parties. A written compromise deed was also executed between the parties, wherein, certain terms and conditions were mentioned as is clear from Annexure P-3. Learned counsel further contends that as per compromise an amount of ₹ 9,75,000/- in lump-sum was to be paid to complainant-respondent No.2 towards past, present and future maintenance, which includes Istridhan, dowry articles given at the time of marriage as well as other misc. expenses. A petition under Section 13-B of the Hindu Marriage Act was also filed for dissolution of marriage with mutual consent, which has been allowed on 22.4.2016 and now the present petition has been filed for quashing of the FIR and other proceedings arising therefrom. Learned counsel also contends that complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings.

Learned counsel for complainant-respondent No.2 has not disputed the submissions made by learned counsel for the petitioners with regard to compromise arrived at between the parties and passing of decree of divorce with mutual consent.

Heard the arguments advanced by learned counsel for the parties and have also gone through the compromise deed, the decree of divorce granted in a petition filed under Section 13-B of Hindu Marriage Act for dissolution of marriage with mutual consent passed by Additional District Judge, Jalandhar (NRI Court).

Learned counsel for the petitioners as well as complainant submit that all the terms and conditions of the compromise have been complied with and now everything is settled and complainant-respondent No.2 has no grouse against the petitioners in any manner. Both the parties

have separated each other with mutual consent. The amount settled in the compromise has already been paid to complainant-respondent No.2 and she has no objection in quashing of the FIR and other proceedings.

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. 17 dated 13.10.2012 registered under Sections 406, 498-A and 313 IPC at Police Station NRI, Jalandhar as well as all subsequent proceedings arising therefrom qua petitioners, namely, Santosh Kumari, Jagir Kaur and Rajesh Kumar, are hereby quashed.

May 10, 2016
pooja

(DAYA CHAUDHARY)
JUDGE