

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-39150 of 2015

DATE OF DECISION: 08.04.2016

Sonu Kumar 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. Digvijay Nagpal, Advocate
for the petitioners.

Ms. Rupam Aggarwal, DAG, Punjab.

Mr. Harpal Singh, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

Petitioners are accused in case FIR No. 45 dated 3.4.2014 registered under Sections 498-A/406/323 IPC at Police Station City Malout, District Sri Muktsar Sahib. Aforesaid FIR was registered on the basis of complaint made by respondent No.2, wherein, certain allegations of demand of dowry and harassment were made. After conducting the investigation, challan was also presented. During the pendency of the proceedings before the trial Court, with the intervention of the respectables and common friends, the dispute between the parties has been settled by way of

compromise and now the present petition has been filed for quashing of the FIR and other consequential proceedings arising therefrom.

Learned counsel for the petitioners contends that the differences arose between the parties due to misunderstanding and now the same has been resolved. The parties have no grudge against each other.

While issuing notice of motion on 19.11.2015, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to the said direction issued by this Court, the parties have appeared before Sub Divisional Judicial Magistrate, Malout and their statements were recorded. After recording of their statements, 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 has specifically stated in her statement that she has settled the dispute with the accused persons and has no objection in quashing of the FIR and other proceedings.

Learned counsel for complainant-respondent No.2 has also not disputed the submissions made by learned counsel for the petitioners.

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 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. 45 dated 3.4.2014 registered under Sections 498-A/406/323 IPC at Police Station City Malout, District Sri Muktsar Sahib as well as all subsequent proceedings arising therefrom qua petitioners, namely, Sonu Kumar, Mohan Lal, Nanki Devi, Krishan Kumar, Budh Ram, Nisha and Sandeep @ Kaju are hereby quashed.

April 08, 2016
pooja

(DAYA CHAUDHARY)
JUDGE