

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

Criminal Misc. No. M-39166 of 2015

Date of decision: 20.05.2016

Amarjit Singh

..Petitioner

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. Amit Dhawan, Advocate
for the petitioner.

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

Mr. Komal Jaswant Singh, Advocate
for respondent No.2.

Daya Chaudhary, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.49 dated 10.05.2013 registered under Sections 406, 498-A of Indian Penal Code (for short 'IPC') at Police Station Women Cell, Ludhiana, on the basis of compromise arrived at between the parties.

The marriage of petitioner-Amarjit Singh was solemnized with respondent No.2-Navneet Kaur on 24.02.2008 but no child was born out of said wedlock. After some time, differences arose between the parties and respondent No.2 made a complaint alleging certain allegations of demand of dowry and harassment, on the basis of which, the aforesaid FIR was

registered against the petitioner. During pendency of the proceedings, the dispute between the parties was settled and they decided to seek divorce with mutual consent by way of filing a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act').

Learned counsel for the petitioner submits that the petition filed under Section 13-B of the Act is pending in the Court of District Judge, Ludhiana. Moreover, the first installment of the amount settled in the compromise has also been paid to respondent No.2.

Learned counsel for respondent No.2 has not disputed the submissions made by learned counsel for the petitioner and submits that respondent No.2 has no objection in quashing of the FIR and other proceedings.

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

In response to said directions issued by this Court, the parties appeared before Judicial Magistrate Ist 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 as per their free will and without any pressure from either side.

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.49 dated 10.05.2013 registered under Sections 406, 498-A of Indian Penal Code (for short 'IPC') at Police Station Women Cell, Ludhiana as well as all subsequent proceedings arising therefrom qua petitioner, namely, Amarjit Singh, are hereby quashed.

20.05.2016
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(DAYA CHAUDHARY)
JUDGE