

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

Crl. Misc. No.M-39253 of 2015

Date of Decision: 02.02.2016

Jaswinder Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the 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. Zorawar Singh Chauhan, Advocate
for the petitioners.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Mr. Jitender K. Sehrawat, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

This petition has been filed under Section 482 Cr.P.C by the petitioners, namely, Jaswinder Singh, Gian Kaur and Mohinder Kaur for quashing of FIR No.158 dated 07.12.2011 registered under Sections 406 and 498-A IPC at Police Station Goraya, District Jalandhar on the basis of compromise arrived at between the parties.

The marriage between petitioner No.1-Jaswinder Singh and respondent No.2-Kuldeep Kaur was solemnized on 10.09.2010. A daughter was also born out of the said wedlock. However, due to temperamental differences arose between the parties, they could not carry on their matrimonial relations. They are living separately since 2011 and the minor

daughter is also staying with the complainant. On the basis of complaint made by respondent No.2, the said FIR was registered. However, after lodging of the FIR, the petitioners were charge-sheeted and the charges were framed against them by the Court of Judicial Magistrate Ist Class, Phillaur.

During pendency of the proceedings before the trial Court, a compromise was arrived at between the parties with the intervention of respectables and family members. It was settled between them that complainant-respondent No.2 will make statement before the Court with regard to compromise and an amount of ₹ 4,50,000/- in *lump sum* will be paid to her by petitioner No.1. It was also decided that they will file a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage with mutual consent.

Notice of motion in the case was issued on 20.11.2015 and the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

As per directions issued by this Court on 20.11.2015, the parties appeared before the Judicial Magistrate Ist Class, Phillaur and their statements were recorded, wherein, the factum of compromise has been affirmed. After recording the statements of the parties, the report has been sent by the Judicial Magistrate Ist Class, Phillaur along with statements of the parties. It has been mentioned in the report that the compromise effected between the parties is genuine and the statements have been recorded as per their free will. The complainant has stated in her statement before the trial Court that she has no objection in quashing of the FIR as well as other proceedings. The statements of the accused were also recorded.

The dispute between the parties has been settled by way of

compromise and the complainant has no objection in quashing of FIR and the continuation of the proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution.

In the interest of justice as well as for betterment of both the parties, the present petition is allowed and FIR No.158 dated 07.12.2011 registered under Sections 406 and 498-A IPC at Police Station Goraya, District Jalandhar along with all subsequent proceedings arising therefrom qua petitioners, namely, Jaswinder Singh, Gian Kaur and Mohinder Kaur are hereby quashed.

02.02.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE