

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

Crl. Misc. No.M-39841 of 2015

Date of Decision: 05.04.2016

Surinder Kaur and others

....Petitioners

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. K.S. Dhillon, Advocate
for the petitioners.

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

Mr. Siddharth Sharma, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C by the petitioners for quashing of FIR No.5 dated 16.05.2010 registered under Sections 498-A, 323, 324/34 IPC at Police Station Begowal, District Kapurthala along with all consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the facts of the case are that petitioner No.1 is mother-in-law, petitioners No.2 and 3 are sisters-in-law and petitioner No.4 is husband of respondent No.2. The marriage between petitioner No.4 and respondent No.2 was solemnized on 27.03.2010. Thereafter, some differences arose between the parties and on the basis of complaint made by respondent No.2, the FIR, in question, was registered. However, during pendency of the proceedings, with the intervention of respectables and common friends, the matter between the parties has been settled and both the parties have decided to part-ways amicably. A written compromise was

prepared, which has been signed by both the parties in presence of witnesses from both sides. It was decided that the cases filed against each other will be withdrawn and an amount of ₹ 17,50,000/- will be paid to the complainant on account of past, present and future maintenance and permanent alimony. A divorce petition under Section 13-B of the Hindu Marriage Act was also decided to be filed for dissolution of marriage with mutual consent. The amount settled to be paid to the complainant was deposited in the joint bank account of three persons and same was to be paid after recording of statement of parties in the petition filed under Section 13-B of the Hindu Marriage Act.

Learned counsel for the petitioners submits that as per compromise, the complainant-respondent No.2 has withdrawn the petition filed under Section 125 Cr.P.C as well as the petition filed under the Domestic Violence Act. As settled between the parties, this petition has been filed for quashing of FIR on the basis of compromise. Complainant-respondent No.2 has no objection in quashing of FIR as well as other proceedings arising therefrom.

Learned counsel appearing on behalf of respondent No.2 has also not disputed the submissions made by learned counsel for the petitioners.

Heard the arguments of learned counsel for the parties and have also perused the FIR as well as other documents available on the file including the compromise arrived at between the parties and the statements of the parties recorded by the trial Court in pursuance of directions issued by this Court on 25.01.2016. Complainant-respondent No.2, while appearing before the trial Court, has specifically stated that she has no objection in quashing of the FIR and she does not want to pursue the proceedings in the case.

It has been held in various judgments of Hon'ble the Apex Court as well as of this Court that Section 320 Cr.P.C does not limit or effect the inherent powers of this Court under Section 482 Cr.P.C. In case where compromise has arrived at between the parties, the criminal proceedings can even be quashed in offences, which are non-compoundable.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052*** has also observed that the proceedings can be quashed even in case of non-compoundable offences, in case, the compromise is there between the parties.

In the present case, the compromise has been effected between the parties with their free will and without any pressure and now the complainant has no objection in quashing of FIR as well as other proceedings arising therefrom. No purpose would be served, in case, the proceedings are allowed to continue as the complainant is not going to support the case of prosecution.

Accordingly, the present petition is allowed and FIR No.5 dated 16.05.2010 registered under Sections 498-A, 323, 324/34 IPC at Police Station Begowal, District Kapurthala along with all consequential proceedings arising therefrom, qua petitioners-Surinder Kaur, Sarabjit Kaur, Mandeep Kaur and Daljit Singh are hereby quashed.

05.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE