

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-41152 of 2015

DATE OF DECISION: 16.02.2016

Binay Kumar @ Vinay Kumar

.....Petitioner

Versus

State of Punjab and others

.....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. H.S. Dhindsa, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Ramandeep Singh, Advocate
for respondent No.4.

DAYA CHAUDHARY, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.251 dated 14.7.2015 registered under Sections 294/354-B/323 IPC at Police Station Jodhewal, Ludhiana and other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Learned counsel for the petitioner contends that the aforesaid FIR was registered due to misunderstanding between the parties. Both the parties were known to each other for the last many years and were on visiting terms. Learned counsel further contends that during the pendency

of the proceedings, with the intervention of the respectables, a compromise was arrived at between the parties and now the complainant has no objection in quashing of the FIR and other proceedings.

While issuing notice of motion on 4.12.2015, the parties were directed to appear before the Area Magistrate for recording of their statements with regard to compromise.

In response to the said directions issued by this Court, the parties appeared before Judicial Magistrate Ist Class, Ludhiana 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.4 has specifically stated in her statement that with the intervention of the respectables, a compromise has been effected between the parties and she has no objection in quashing of the FIR and other proceedings.

Learned counsel for respondent No.2 has also not disputed the factum of compromise arrived at between the parties as well as the statements recorded before the trial Court.

Heard learned counsel for the parties and have also perused the record.

The dispute between the parties has been settled by way of compromise and the 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. It would also 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. Moreover, 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 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.251 dated 14.7.2015 registered under Sections 294/354-B/323 IPC at Police Station Jodhewal, Ludhiana as well as all subsequent proceedings arising therefrom qua petitioner, namely, Binay Kumar @ Vinay Kumar are hereby quashed.

February 16, 2016
pooja

(DAYA CHAUDHARY)
JUDGE