

Crl. Misc. No. M-41719 of 2015

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-41719 of 2015

DATE OF DECISION: 31.05.2016

Tarsem Singh 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. Malkiat Mann, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab.

None for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 37 dated 27.4.2013 registered under Sections 498-A, 406 IPC at Police Station City Budhlada, District Mansa, on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered on the basis of complaint made by respondent No.2, wherein, certain allegations of demand of dowry and harassment were levelled against the petitioners. During pendency of the proceedings, the matter has been compromised between the parties. As

agreed in the compromise, the parties filed a petition under Section 13-B of the Hindu Marriage Act, which was allowed and the amount had also been paid to respondent No.2.

Learned counsel for the petitioners contends that the matter has been compromised between the parties and the petition filed under Section 13-B of the Hindu Marriage Act has also been allowed and complainant has received the amount settled in the compromise. Nothing remains unresolved between the parties and the complainant is satisfied with the compromise.

Although statement of complainant-respondent No.2 has been recorded by Sub Divisional Judicial Magistrate, Budhlada, in view of direction issued by this Court on 9.12.2015 but none has appeared on her behalf, inspite of service. Statement of complainant-respondent No.2- Harpreet Kaur is reproduced as under:-

“Stated that present FIR against accused was registered at my instance being complainant under sections 406,498-A of IPC. However, I have compromised the matter with accused. We have already filed petition under Section 13-B of the Hindu Marriage Act. Accused No.1 Tarsem Singh is my husband who has agreed to give me permanent alimony. I have received all my articles of istridhan. I have entered into compromise with my own sweet will without any pressure. No other criminal case is pending between us.”

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.

Accordingly, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 37 dated 27.4.2013 registered under Sections 498-A, 406 IPC at Police Station City Budhlada, District Mansa as well as all subsequent proceedings arising therefrom qua petitioners, namely, Tarsem Singh, Jagraj Singh, Jasveer Kaur, are hereby quashed.

May 31, 2016
pooja

(DAYA CHAUDHARY)
JUDGE