

Crl. Misc. No. M-41720 of 2015

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-41720 of 2015

DATE OF DECISION: 27.05.2016

Sushil Singla 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. N.S. Diwana, Advocate
for the petitioners.

Ms. Ritu Punj, Addl. A.G., Punjab.

Mr. B.B.S. Randhawa, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 37 dated 17.4.2013 registered under Sections 498-A,406,323,34 IPC (Section 325 IPC added later on at the time of framing of charges) at Police Station Cantt. Bathinda, District Bathinda, on the basis of compromise arrived at between the parties.

As per case of respondent No.2, her marriage was solemnized with petitioner No.1 on 9.2.2010 and a child was also born out of the said wedlock on 30.10.2010. Respondent No.2 and petitioner No.1 could not

pull on their lives smoothly and resultantly numerous litigations started between them. Subsequently, during pendency of the proceedings, a compromise was arrived at between the parties. As per compromise, a petition under Section 13-B of the Hindu Marriage Act was filed, which was allowed. Petitioner No. 1 has paid an amount of ₹ 12 lacs to respondent No.2 as past, present and future alimony.

Learned counsel for the petitioners as well as complainant-respondent No.2 have affirmed the factum of compromise arrived at between the parties. They have even admitted regarding allowing of the petition filed under Section 13-B of the Hindu Marriage Act and also the compliance of terms and conditions settled between the parties.

Heard the arguments advanced by learned counsel for the parties and have also gone through the allegations levelled in the FIR, terms and conditions of the compromise, statements of the parties and also the report sent by the trial Court in this regard.

The factum of compromise arrived at between the parties is clear from their statements recorded before the JMJC, Bathinda, in compliance of direction issued by this Court on 9.12.2015. Complainant-respondent No.2 has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings against the petitioner.

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 17.4.2013 registered under Sections 498-A, 406, 323, 34 IPC (Section 325 IPC added later on at the time of framing of charges) at Police Station Cantt. Bathinda, District Bathinda as well as all subsequent proceedings arising therefrom qua petitioners, namely, Sushil Singla, Simla Devi and Suresh Singla, are hereby quashed.

May 27, 2016
pooja

(DAYA CHAUDHARY)
JUDGE