

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-41946 of 2015

DATE OF DECISION: 11.05.2016

Mandeep Kaur

.....Petitioner

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. Amit Dhawan, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

DAYA CHAUDHARY, J.

Petitioner-Mandeep Kaur and respondent-Naresh Kumar are wife and husband and their marriage was solemnized on 10.11.2010. Out of the said wedlock, a son was also born on 22.9.2011. Thereafter some differences arose between the parties and the petitioner-wife made a complaint on the basis of which FIR No. 64 dated 19.4.2013 was registered under Sections 498-A IPC at Police Station Bhogpur, District Jalandhar against the respondent-husband. Respondent-husband also made a complaint before the concerned police station against the petitioner-wife and cross-version was recorded under section 312 IPC. A complaint was also filed by petitioner under Section 12 of Domestic Violence Act against the respondent-husband before JMIC, Jalandhar. During pendency of the

proceedings, a compromise was arrived at between the parties, which was signed by both the parties as well as by the witnesses. It was agreed in the compromise that both the parties will withdraw their respective cases registered/filed against each other. A quashing petition was also decided to be filed before this Court on the basis of compromise. It was further decided that the respondent will maintain his wife and child in a peaceful and comfortable manner and both the parties will not file any case relating to past litigation and all the cases already filed will be withdrawn.

Learned counsel for the petitioner submits that the dispute between the parties has been settled and both the parties are happy in their matrimonial life and are residing together. Learned counsel further submits that the parties are not interested in continuation of the proceedings initiated against each other.

Heard the arguments advanced by learned counsel for the parties and have also perused the allegations in the FIR as well as in cross-version. I have also perused the statements of the parties recorded in compliance of direction issued by this Court on 11.12.2015. A report in this regard has also been sent by JMIC, Jalandhar, wherein, it has been mentioned that the parties appeared before the Court and their statements were recorded. The compromise arrived at between the parties is as per their free and the same is genuine. Petitioner-Mandeep Kaur has specifically stated in her statement that the matter has been compromised with respondent No.2. Similarly, respondent-husband has also affirmed the factum of compromise and also stated that he has no objection in quashing of the FIR.

The dispute is between husband and wife and subsequently the same has been settled by way of compromise. Both the parties have appeared before JMIC, Jalandhar and their statements were also recorded

with regard to compromise. In the report sent by JMIC, Jalandhar, it has been mentioned that the compromise arrived at between the parties is as per their free will and without any pressure from either side. It has been admitted by both the parties that they are happy in their matrimonial life and have sorted out their differences. All cases filed against each other have also been withdrawn.

Admittedly, the dispute between the parties is matrimonial in nature and the same has been settled by way of compromise. Both the parties are not interested in continuation of the proceedings initiated against each other. All cases filed by the parties against each other have been withdrawn and they have undertaken not to initiate any proceedings relating to earlier cases. Moreover, the purpose of the compromise is to maintain peace and harmony in the relations.

It has also been held by Five Judges' Bench of our own High Court in **Kulwinder Singh and others vs. State of Punjab and others, 2007(3) RCR (Criminal) 1052** that 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 the 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. 64 dated 19.4.2013 registered under Sections 498-A IPC at Police Station Bhogpur, District Jalandhar and the cross-version recorded under Section 312 IPC as well as all subsequent proceedings arising therefrom qua petitioner-wife, namely, Mandeep Kaur and respondent-husband, namely, Naresh Kumar, are hereby quashed.

May 11, 2016
pooja

(DAYA CHAUDHARY)
JUDGE