

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

**Criminal Misc. No. M-42164 of 2015 (O&M)
Date of decision: 10.03.2016**

Chand Ram alias Amar Chand and another ..Petitioners

Versus

State of Punjab and another ..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers 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. Bhupinder Banga, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab
for respondent No.1 – State.

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

Daya Chaudhary, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.43 dated 17.07.2011 registered under Sections 406, 498-A of Indian Penal Code (for short 'IPC') at Police Station Mukandpur, District Shaheed Bhagat Singh Nagar and other consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

The aforesaid FIR was registered on the basis of statement made by complainant-respondent No.2-Manjinder Kaur.

Challan was presented and even charges have also been framed. During pendency of the proceedings, a compromise was arrived at between the parties, on the basis of which, the present petition has been filed for quashing of FIR.

While issuing notice of motion on 15.12.2015, the parties were directed to appear before the trial Court/Illaqa Magistrate/Duty Magistrate for recording of their statements with regard to compromise.

In response to the said directions issued by this Court, the statements of the parties were recorded and a report along with the statements of the parties has been sent, which is on record wherein the factum of compromise has been affirmed. Complainant-respondent No.2 has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings and even acquittal of the accused. She has also stated that she did not want to press the criminal case against accused-Chand Ram @ Amar Chand and Jagtar Ram. The compromise effected between the parties is without any pressure from either side. Statement of accused-Chand Ram @ Amar Chand was also recorded wherein he has stated that he was having attorney of other accused-Jagtar Singh and he has made statement not only qua him but qua to other accused-Jagtar Ram also.

Since the dispute between the parties 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. Moreover, this Court has inherent power to quash criminal proceedings in the interest of both the parties

It has 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.43 dated 17.07.2011 registered under Sections 406, 498-A IPC at Police Station Mukandpur, District Shaheed Bhagat Singh Nagar as well as all subsequent proceedings arising therefrom qua petitioners, namely, Chand Ram alias Amar Chand and Jagtar Ram, are hereby quashed.

10.03.2016
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(DAYA CHAUDHARY)
JUDGE