

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-42644 of 2015

DATE OF DECISION: 08.04.2016

Rajeev @ Rinku

.....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. Gaurav Sharma, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 200 dated 11.7.2014 registered under Sections 406,498-A IPC at Police Station Kapurthala City, District Kapurthala and other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered against petitioner-Rajeev @ Rinku on the basis of complaint made by complainant-respondent No.2, wherein, certain allegations of demand of dowry and harassment were made. The marriage between the parties was solemnized on 13.5.2013 but subsequently some differences arose

between them and a divorce petition was filed by the petitioner-husband in Dwarka Courts, New Delhi, wherein, the matter was referred to Mediation Centre and ultimately the dispute between the parties was amicably settled.

Learned counsel for the petitioner contends that now both the parties are living together in Delhi after compromise and the complainant is not interested in pursuing the criminal proceedings against the petitioner.

While issuing notice of motion on 18.12.2015, the parties were directed to appear before the Illaqa Magistrate for recording of their statements with regard to compromise.

In response to the said direction issued by this Court, the parties appeared before Chief Judicial Magistrate, Kapurthala 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 having any pressure from either side. Complainant-respondent No.2 has specifically stated in her statement that she has settled the dispute with the accused persons and has no objection in quashing of the FIR and other proceedings.

Petitioner and complainant-respondent No.2 are also present in Court today and have stated that they are happy in their matrimonial life and have no grouse against each other.

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.

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. 200 dated 11.7.2014 registered under Sections 406,498-A IPC at Police Station Kapurthala City, District Kapurthala as well as all subsequent proceedings arising therefrom qua petitioner, namely, Rajeev @ Rinku are hereby quashed.

April 08, 2016
pooja

(DAYA CHAUDHARY)
JUDGE