

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

**Crl. Misc. No.M-42953 of 2015**

Date of Decision: 15.03.2016

Abdul Hamid and others

....Petitioners

Versus

State of Punjab and another

....Respondents

**BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present:- Mr. C.S.S Sisodia, Advocate  
for the petitioners.

Mr. Rupam Aggarwal, D.A.G., Punjab  
for the respondent-State.

None for respondent No.2.

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**DAYA CHAUDHARY, J.**

Petitioners-Abdul Hamid, Mohd. Salim and Gafooran are accused in case FIR No.9 dated 13.01.2010 registered under Section 498-A IPC at Police Station City Malerkotla, District Sangrur.

The FIR, in question, was registered on the basis of statement made by complainant-respondent No.2-Razia Sultana wife of Abdul Hamid (petitioner No.1). However, during pendency of the proceedings, a compromise was arrived at between the parties with the intervention of respectables and friends.

Learned counsel for the petitioners submits that complainant-respondent No.2 does not want to pursue the case against accused persons because of compromise. She has also furnished an affidavit regarding compromise arrived at between the parties. Copies of

compromise and affidavit are annexed as Annexures P-2 and P-3 with the present petition.

Notice of motion was issued in the present case on 19.12.2015 and parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to directions issued by this Court, the parties have appeared before the Judicial Magistrate Ist Class, Malerkotla and their statements were recorded. A report along with statements of the parties has been sent to this Court, wherein, the factum of compromise has been affirmed. Complainant-respondent No.2 has specifically stated in her statement that she has compromised the matter with the accused persons and the said compromise is without any pressure from either side and is as per her free will. She has also stated that she has no objection in quashing of the FIR as well as other proceedings arising therefrom.

It has been held by Hon'ble the Full Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052*** that this Court has power under Section 482 Cr.P.C to allow compounding in non-compoundable offences under Section 320(9) Cr.P.C, in case, the parties have entered into compromise. Said power can be exercised, in case, the same is required to prevent the abuse of process of law and to secure the ends of justice. It has also been held that this power of quashing is not confined to matrimonial disputes alone as there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. It has also been stated that the compromise is the soul of justice and the power under Section 482 of the Cr.P.C is used to enhance such a compromise, which, in turn, enhances the social enmity and reduces friction in the society.

In the present case, both the parties have settled their

disputes and they want to lead peaceful life. As such, no useful purpose would be served by keeping the present case pending as the complainant is not going to support the case of the prosecution and the continuation of the proceedings would be a futile exercise and also a wastage of precious time of the Court.

Accordingly, the present petition is allowed and FIR No.9 dated 13.01.2010 registered under Section 498-A IPC at Police Station City Malerkotla, District Sangrur along with all consequential proceedings arising therefrom, qua petitioners-Abdul Hamid, Mohd. Salim and Gafooran are hereby quashed.

15.03.2016  
gurpreet

(DAYA CHAUDHARY)  
JUDGE