

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-43207 of 2015

DATE OF DECISION: 08.04.2016

Anil Kumar

.....Petitioner

Versus

State of Haryana 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. Anil Ghanghas, Advocate
for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana.

Mr. Ramender Chaudhan, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 403 dated 2.10.2015 registered under Sections 307,328,34,498-A IPC at Police Station Tosham, District Bhiwani and other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Briefly the facts of the case as made out in the petition are that the aforesaid FIR was registered on the basis of statement made by complainant-respondent No.2 under Section 164 Cr.P.C. while she was admitted in the private hospital at Bhiwani as she has consumed some

medicine and became unconscious. When she gained consciousness in the hospital, her statement was recorded in the presence of her parents, wherein, she did not mention anything about poison. Simply, it was mentioned that after consuming medicine, she became unconscious. Complainant-respondent No.2 as well as her mother have also filed their affidavits in support of falsity of the FIR, which are on record as Annexures P-3 and P-4. Thereafter with the intervention of the family members and relations, the matter was resolved between the parties and the petitioner and complainant-respondent No.2 started to reside together.

Learned counsel for the petitioner contends that the FIR was registered by the police on the statement of respondent No.2 and now no dispute is there between the parties and no offence under Sections 307,328,34,498-A IPC is made out against the petitioner.

Vide order dated 12.1.2016, 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 have appeared before the Sub Divisional Judicial Magistrate, Tosham 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 any pressure from either side. Complainant-respondent No.2 has specifically stated in her statement that a wrong medicine was taken by her and it was her husband only who got her admitted in the hospital. She further stated that her statement was recorded by the police when she was not in her senses.

She has also stated that she is living with her husband happily and is not

interested in continuation of the proceedings.

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. 403 dated 2.10.2015 registered under Sections 307,328,34,498-A IPC at Police Station Tosham, District Bhiwani as well as all subsequent proceedings arising therefrom qua petitioner, namely, Anil Kumar, are hereby quashed.

April 08, 2016
pooja

(DAYA CHAUDHARY)
JUDGE