

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

**Criminal Misc. No. M-43217 of 2015
Date of decision: 26.05.2016**

Paramjit Singh

..Petitioner

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. Vivek Salathia, Advocate
for the petitioner.

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

Mr. Vipul Aggarwal, Advocate for
Mr. Vikas Gupta, Advocate
for respondent No.2.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.51 dated 16.06.2014 registered under Sections 406 and 498-A of Indian Penal Code (for short 'IPC') at Police Station Bholath, District Kapurthala and consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.

The aforesaid FIR was registered on the basis of complaint made by respondent No.2 wherein certain allegations of demand of dowry and maltreatment were levelled. During pendency of the proceedings, the matter was amicably settled between the parties with the intervention of

respectables and a written compromise was executed between the petitioner

and respondent No.2 incorporating certain terms and conditions. It was decided between the parties to dissolve their marriage by way of filing petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') for divorce with mutual consent and that the custody of minor son will remain with respondent No.2.

Learned counsel for the petitioner submits that the joint petition filed under Section 13-B of the Act has been allowed on 13.05.2016 and the petition filed under Section 125 Cr.P.C. has also been withdrawn. The complainant has been paid the amount as settled in the compromise and has no objection in quashing of the FIR and other proceedings.

Learned counsel for respondent No.2 has affirmed the factum of compromise arrived at between the parties, withdrawal of the cases pending between the parties as well as allowing of petition filed under Section 13-B of the Act. Learned counsel has also admitted that the amount settled in the compromise has been received by respondent No.2.

While issuing notice of motion on 21.12.2015, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to said directions issued by this Court, the parties appeared before Judicial Magistrate Ist Class, Kapurthala and their statements with regard to compromise were recorded. 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 voluntary and without any pressure or coercion from either side. Complainant-respondent

No.2 has specifically stated in her statement that she has no objection in

quashing of the FIR and other proceedings.

The dispute between the parties is of matrimonial nature and the same has been settled by way of compromise. The petition filed under Section 13-B of the Act has been allowed. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. Moreover, no purpose would be served in case proceedings are allowed to be continued in future as the complainant is not going to support the case of the prosecution and it would result into wastage of precious time of the Court. The purpose of the compromise is to maintain peace and harmony in the relations.

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 criminal proceedings arising out of FIR No.51 dated 16.06.2014 registered under Sections 406 and 498-A of Indian Penal Code (for short 'IPC') at Police Station Bholath, District Kapurthala as well as all subsequent proceedings arising therefrom qua petitioner, namely, Paramjit Singh, are hereby quashed.

26.05.2016
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(DAYA CHAUDHARY)
JUDGE