IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No.M-43686 of 2015
Date of Decision: 19.02.2016

Kranti Singh ....Petitioner

Versus

State of Punjab and another ....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspapers may be allowed to see the 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. Sandeep Sharma, Advocate
for the petitioner.

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

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DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C by the petitioner, namely, Kranti Singh for quashing of FIR No.5 dated 07.01.2014 registered under Sections 498-A/406 IPC at Police Station A-Division, Amritsar City, District Amritsar along with all consequential proceedings arising therefrom on the basis of compromise.

The FIR, in question, was registered on the basis of statement made by complainant-respondent No.2. However, during pendency of the proceedings, a compromise was arrived at between the parties, which was reduced into writing. As per terms and conditions of the compromise, a divorce petition under Section 13-B of the Hindu Marriage Act will be filed

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and the minor daughter will remain with respondent No.2.

Learned counsel for the petitioner submits that the dispute between the parties has been settled and the complainant-respondent No.2 has no objection in quashing of FIR and other proceedings arising therefrom. Both the parties have undertaken to abide by all terms and conditions to be imposed in the written statement. Complainant-respondent No.2 has stated in her statement made before Judicial Magistrate Ist Class, Amritsar that she has no objection in quashing of the FIR and other proceedings arising therefrom.

Learned counsel for the respondent has also affirmed the factum of compromise arrived at between the parties.

Heard the arguments of learned counsel for the parties and have also perused the statements recorded in pursuance of directions issued by this Court on 23.12.2015.

The dispute between the parties is of matrimonial nature. The parties, after sometime of their marriage, were not able to pull their matrimonial life due to the difference in their habits, thoughts and temperaments and ultimately they started to live separately. Both the parties decided to get their marriage dissolved by way of filing a petition under Section 13-B of the Hindu Marriage Act with mutual consent. They have also exchanged the dowry articles/gifts with each other. As per settlement arrived at between the parties, the house, which was purchased by husband of respondent No.2, would be sold and both the parties will be entitled to receive the amount of consideration. The amount in *lump sum* has also been settled as permanent alimony towards future maintenance. The minor daughter will remain with respondent No.2. It has also been resolved that the petitioner shall pay an amount of ₹ 2 lacs towards educational expenses for the minor daughter. Both the parties have agreed

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to withdraw all the cases registered against each other. Said written compromise has been signed by both the parties in the presence of witnesses and both of them have undertaken to abide by all terms and conditions of said agreement.

Since the dispute between the parties has been settled by way of compromise and the complainant is satisfied with the compromise and she has no objection in quashing of the FIR; no purpose would be served, in case, the proceedings are allowed to be continued and the ultimate result would be acquittal as the complainant is not going to support the case of the prosecution. More so, the continuation of proceedings would be an exercise in futility and will not only be the wastage of valuable time of the Court but it would also not be in the interest of both the parties. This Court has power to quash the proceedings on the basis of compromise.

The present case is of matrimonial nature and has been compromised between the parties. Complainant has no objection in quashing of FIR and other proceedings. By exercising powers under Section 482 Cr.P.C., the quashing of FIR would not only be in the interest of parties but it will also save the valuable time of the Court.

Hon'ble the Apex Court in case ***Y. Suresh Babu vs State of A.P and another JT 1987(2) SC 361*** has also allowed the compromise even in case of non-compoundable offence i.e under Section 326 IPC.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052*** has held that there is no statutory bar under the Cr.P.C which can affect the inherent power of this Court under Section 482 Cr.P.C and the same cannot be limited to matrimonial cases alone. This Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C in order to prevent the abuse of law and to secure the ends of

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justice.

In various judgments of Hon'ble the Apex Court as well as of this Court, it has been held that the litigation can come to an end between the parties, in case, the object is to maintain peace and harmony in the relations.

In the present case, the compromise has been effected between the parties with their free will and without any pressure. The continuation of proceedings in future would be futile as no purpose is going to be achieved in any manner.

Accordingly, the present petition is allowed and FIR No.5 dated 07.01.2014 registered under Sections 498-A/406 IPC at Police Station A-Division, Amritsar City, District Amrtisar along with all consequential proceedings arising therefrom, qua petitioner Kranti Singh are hereby quashed.

(DAYA CHAUDHARY)
JUDGE

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