

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-43875 of 2015

DATE OF DECISION: 09.02.2016

Prem Kumar and another

.....Petitioners

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. Bhisham Kumar, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Jeevan Gautam, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

Petitioners-Prem Kumar and Bimla Devi are accused in case FIR No.93 dated 16.10.2014 registered under Sections 406,498-A of Indian Penal Code (for short 'IPC') at Police Station Naya Gaon, District SAS Nagar on the basis of complaint made by complainant-respondent No.2. During the course of investigation, with the intervention of relatives and friends, efforts for amicable settlement were made, as parties to the dispute decided to bury their differences. The parties, therefore, entered into a written compromise on 20.7.2015. As per settlement arrived at between the parties, the petitioners agreed to pay an amount of ₹ 1,75,000/- to the

complainant as permanent alimony. It was also agreed that a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by way of mutual consent will be filed.

Learned counsel for the petitioners contends that as per written compromise, petitioner No.1 has paid an amount of ₹ 1 lac to respondent No.2 on 20.7.2015 at the time of first motion statement and remaining amount of ₹ 75,000/- will be paid at the time of recording second motion statement. Learned counsel further contends that as per compromise arrived at between the parties, now the present petition has been filed under Section 482 Cr.P.C. for quashing of aforesaid FIR and other consequential proceedings arising therefrom.

Vide order dated 24.12.2015, 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 the JMIC, Kharar 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 she has no objection in quashing of the FIR and other proceedings.

Since the dispute between the parties is matrimonial in nature and 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.93 dated 16.10.2014 registered under Sections 406,498-A IPC at Police Station Naya Gaon, District SAS Nagar as well as all subsequent proceedings arising therefrom qua petitioners, namely, Prem Kumar and Bimla Devi, are hereby quashed.

February 09, 2016
pooja

(DAYA CHAUDHARY)
JUDGE