

Crl. Misc. No. M-4507 of 2016

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-4507 of 2016

DATE OF DECISION: 19.05.2016

Sukhchain Singh & ors.

.....Petitioners

Versus

U.T., Chandigarh 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. Bijender Dhankar, Advocate
for the petitioners.

Mr. Sukant Gupta, Addl. PP
for U.T., Chandigarh.

Mr. Dharminder S. Randhawa, Advocate for
Mr. B.S. Sewak, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 321 dated 24.11.2012 registered under Sections 406 and 498-A IPC at Police Station Industrial Area, Chandigarh, on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners contends that petitioner No.1 filed a petition under Section 11 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for decree of nullity of marriage in contravention of conditions of Section 5 (i) of the Act. During the pendency

of the said petition, a good sense prevailed between both the parties and the matter was compromised between them. Statements of petitioner No.1 and respondent No.2 were recorded before Additional Sessions Judge, Chandigarh in the said petition. Learned counsel further contends that the FIR was registered due to misunderstanding between the parties and the dispute now has been resolved and complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. The present petition has been filed by the petitioners for quashing of the FIR on the basis of compromise. Complainant-respondent No.2 has specifically stated in her statement recorded in the proceedings under Section 11 of the Act that she has settled the dispute with the petitioners and has also received a cheque amounting to ₹ 50,000/- out of total settled amount of ₹ 1,50,000/-. It was also undertaken by complainant-respondent No.2 that she will withdraw the revision petition filed in the High Court and civil suit for recovery.

Learned counsel for complainant-respondent No.2 has also not disputed the submissions made by learned counsel for the petitioners.

Heard the arguments advanced by learned counsel for the parties and have also perused the allegations levelled in the FIR, statements of the parties recorded in the petition filed under section 11 of the Act as well as the statements of the parties recorded in compliance of direction issued by this Court on 12.2.2016.

After recording of the statements of the parties, 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

settled the dispute with the petitioners and has no objection in quashing of the FIR and other 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. 321 dated 24.11.2012 registered under Sections 406 and 498-A IPC at Police Station Industrial Area, Chandigarh as well as all subsequent proceedings arising therefrom qua petitioners, namely, Sukhchain Singh, Harbhajan Singh and Baljinder Kaur, are hereby quashed.

May 19, 2016
pooja

(DAYA CHAUDHARY)
JUDGE