

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-4509 of 2016

DATE OF DECISION: 19.05.2016

Naved @ Maani

.....Petitioner

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. Sunny K. Singla, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Rajpal Singh, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 102 dated 4.9.2014 registered under Sections 354-A (I) and 354-D (I) at Police Station City Malerkotla, District Sangrur, on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered on the basis of complaint made by respondent No.2. During the pendency of the proceedings, with the intervention of the respectables and family members, a compromise was arrived at between the parties.

Learned counsel for the petitioner contends that the

investigation of the case has been completed and challan has also been presented in the Court. Learned counsel further contends that complainant-respondent No.2 is major as her date of birth is 30.1.1998 and the same is clear from the school certificate, which is annexed as Annexure P-2. Learned counsel also contends that during the pendency of the proceedings, a compromise has been arrived between the parties and complainant-respondent No.2 has given an affidavit stating therein that she has no objection in quashing of the FIR and other proceedings.

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

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR, compromise arrived at between the parties and also the statements of the parties recorded in compliance of direction issued by this Court on 8.2.2016.

In response to the said direction issued by this Court, the parties appeared before the SDJM, Malerkotla 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 settled the dispute with the accused persons and has no objection in quashing of the FIR and other proceedings.

Since the dispute between the parties 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.

Similarly, in the cases of **Vijay Kumar Vs. State of Punjab** 2014 (4) AICLR 358 and **Sushil Jaggi Vs. State of Punjab and another** 2014 (13) RCR (Criminal) 162, it has been held that FIR under Sections 354 and 354-A can be quashed if both the parties have compromised their dispute.

Accordingly, by exercising powers under Section 482 Cr.P.C., the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 102 dated 4.9.2014 registered under Sections 354-A (I) and 354-D (I) at Police Station City Malerkotla, District Sangrur as well as all subsequent proceedings arising therefrom qua petitioner, namely, Naved @ Maani are hereby quashed.

May 19, 2016
pooja

(DAYA CHAUDHARY)
JUDGE