

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

**Criminal Misc. No. M-44369 of 2015
Date of decision: 28.03.2016**

Onkar Singh and others

..Petitioners

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. Sandeep Sharma, Advocate
for the petitioners.

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

Mr. Neeraj Madaan, Advocate
for respondent No.2.

Daya Chaudhary, J.

Petitioners, namely, Onkar Singh, Parminder Kaur and Amritpal Singh @ Lucky, have approached this Court by way of filing the present petition under Section 482 Cr.P.C. for quashing of complaint No.128/1/14 dated 05.02.2014, under Sections 406, 498-A, 325, 341, 316, 307 and 506 read with Section 34 of Indian Penal Code (for short 'IPC'), Police Station Bhargo Camp District Jalandhar on the basis of compromise arrived at between the parties.

In the complaint lodged by complainant-respondent No.2, certain allegations of demand of dowry, harassment, maltreatment

and giving of beatings were levelled against accused persons. The petitioners were summoned by the trial Court vide order dated 29.10.2015. Subsequently, with the intervention of respectables of the society, a compromise was arrived at between the parties and they have decided to end the litigation. On the basis of said settlement, a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') was to be filed. It was agreed that the petitioners would pay an amount of ₹2,90,000/- as full and final settlement to complainant-respondent No.2 as maintenance for whole of the life. An amount of ₹2,00,000/- was to be paid at the time of recording of first motion statement in the petition filed under Section 13-B of the Act.

On the basis of said settlement, the present petition has been filed for quashing of complaint and summoning order as well as other consequential proceedings.

While issuing notice of motion on 06.01.2016, parties were directed to appear before trial Court for recording of their statements with regard to compromise.

In response to the said directions issued by this Court, the parties have appeared before Judicial Magistrate Ist Class, Jalandhar 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 genuine and without any force and pressure from either side. Complainant-respondent No.2 has specifically stated

in her statement that she does not want to proceed with the complaint and has no objection in quashing of the FIR and other proceedings. It has also been mentioned that a petition under Section 13-B of the Act has been filed and first motion statement has also been recorded.

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 result into wastage of precious time of the Court as the complainant is not going to support the case of the prosecution. Moreover, the purpose of the compromise is to maintain peace and harmony in the relations. Out of total settled amount, some of the amount has been paid to the complainant at the time of recording of first motion statement.

Accordingly, the present petition is allowed and the impugned criminal proceedings arising out of complaint No.128/1/14 dated 05.02.2014, under Sections 406, 498-A, 325, 341, 316, 307 and 506 read with Section 34 IPC, Police Station Bhargo Camp District Jalandhar and summoning order dated 29.10.2015 passed by Judicial Magistrate Ist Class, Jalandhar as well as all subsequent proceedings arising therefrom qua petitioners, namely, Onkar Singh, Parminder Kaur and Amritpal Singh @ Lucky, are hereby quashed.

28.03.2016
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(DAYA CHAUDHARY)
JUDGE