

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

**Criminal Misc. No. M-5581 of 2016
Date of decision: 26.05.2016**

Mohammad Kamil 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. Varun Sharma, Advocate
for the petitioners.

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

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

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.275 dated 03.07.2013 registered under Sections 307, 498-A, 323 read with Section 34 of Indian Penal Code (for short 'IPC') (Section 307 IPC was deleted later on as the challan was presented under Sections 406, 498-A and 323 IPC) at Police Station Zirakpur, District SAS Nagar, Mohali on the basis of compromise arrived at between the parties.

The aforesaid FIR was registered on the basis of complaint made by respondent No.2 wherein certain allegations of demand of dowry, maltreatment and misappropriation of dowry articles were levelled.

Petitioners No.1 to 3 are husband, mother-in-law and father-in-law

respectively, of respondent No.2 whereas petitioner No.4 is niece of petitioner No.1.

Learned counsel for the petitioners submits that the aforesaid FIR was registered due to temperamental differences arose between petitioner No.1 and respondent No.2 but subsequently, with the intervention of the respectables and common relatives, they decided to dissolve their marriage by way of mutual consent as per Muslim Law.

Learned counsel for respondent No.2 has also affirmed the factum of compromise arrived at between the parties.

While issuing notice of motion on 17.02.2016, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to said directions issued by this Court, the parties appeared before Sub Divisional Judicial Magistrate, Dera Bassi 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 voluntary and without any pressure or coercion from either side. Complainant-respondent No.2 has specifically stated in her statement that she has got divorce from her husband-petitioner No.1 on 09.08.2015 and has no objection in quashing of the FIR and other proceedings.

The statement of the complainant recorded before the trial Court is reproduced as under: -

“ Stated that my marriage was solemnized with
Mohd. Kamil son of accused No.1 on 5.11.12 and

present FIR was lodged by me. Now, I have compromised the matter with the accused namely Mohd. Islam son of Manjoor Ahmad, Ruksana wife of Mohd. Islam and Mohd. Kamil son of Mohd. Islam and Sitara D/o Mohd. Istag, all residents of House No.862, Saini Vihar, Phase-II, Baltana, Tehsil Dera Bassi vide compromise deed dated 9.8.2015 with the intervention of respectable members of the family and now I have no dispute with accused persons. I have compromised the matter vide compromise deed dated 9.8.2015 Ex.PX and Ex.PY with the accused persons namely Mohd. Islam, Ruksana wife of Mohd. Islam and Mohd. Kamil and Sitara voluntarily and without any pressure or coercion on the part of anybody. I do not want to pursue FIR No.275 of 3.7.2013 U/S 406, 498-A, 323, 307, 34 of IPC, P.S. Zirakpur and I have got no objection in case the FIR is quashed against the accused persons as I have already get divorce from the accused Mohd. Kamil vide order dated 9.8.2015.”

The dispute between the parties is of matrimonial nature and the same has been settled by way of compromise. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. Moreover, no purpose would be served in case proceedings are allowed to

the prosecution and it would result into wastage of precious time of the Court. The purpose of the compromise is to maintain peace and harmony in the relations.

It has 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 criminal proceedings arising out of FIR No.275 dated 03.07.2013 registered under Sections 307, 498-A, 323 read with Section 34 IPC (Section 307 IPC was deleted later on as the challan was presented under Sections 406, 498-A and 323 IPC) at Police Station Zirakpur, District SAS Nagar, Mohali as well as all subsequent proceedings arising therefrom qua petitioners, namely, Mohammad Kamil, Rukshana, Mohammad Islam, Sitara, are hereby quashed.

26.05.2016
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(DAYA CHAUDHARY)
JUDGE