

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

**Criminal Misc. No. M-6143 of 2016
Date of decision: 26.05.2016**

Parveen and others

..Petitioners

Versus

State of Haryana 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 Malik, Advocate
for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana
for respondent No.1 – State.

Mr. Johan Kumar, 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.505 dated 11.09.2013 registered under Sections 323, 498-A, 406 and 506 read with Section 34 of Indian Penal Code (for short 'IPC') at Police Station Bahadurgarh, District Jhajjar 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. Petitioners are husband, father-in-law, mother-in-law, sister-in-law, brother-in-law and cousin brother-in-law, respectively, of respondent No.2. Subsequently, during pendency of the proceedings, a compromise was arrived at between the parties.

Learned counsel for the petitioners submits that on the basis of compromise arrived at between the parties, a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') was filed for dissolution of marriage with mutual consent wherein first motion statement of the parties has been recorded and now the same is pending for 06.07.2016 for recording of second motion statement. No grouse is there now between the parties.

Learned counsel for respondent No.2 has also affirmed the factum of compromise arrived at between the parties. It has also been admitted by him that the amount settled in the compromise has been received by respondent No.2.

Heard arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR as well as other documents available on the file including statements of the parties recorded in compliance of order passed by this Court on 19.02.2016.

After recording statements of the parties, a report along with the statements of the parties has been sent by Judicial Magistrate Ist Class, Bahadurgarh, 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 or coercion 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.

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 be continued in future as the complainant is not going to support the case of 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, by exercising powers provided under Section 482 Cr.P.C. and keeping in view the interest of both the parties, the present petition is allowed and the criminal proceedings arising out of FIR No.505 dated 11.09.2013 registered under Sections 323, 498-A, 406 and 506 read with Section 34 IPC at Police Station Bahadurgarh, District Jhajjar as well as all subsequent proceedings arising therefrom qua petitioners, namely, Parveen, Suresh, Nirmala, Rubi, Rahul and Sachin, are hereby quashed.

26.05.2016
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(DAYA CHAUDHARY)
JUDGE