

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

**Criminal Misc. No. M-6205 of 2016
Date of decision: 28.03.2016**

Punjab 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. Ritesh Pandey, Advocate
for the petitioners.

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

Mr. Imran Farooqi, Advocate
for respondent No.2.

Daya Chaudhary, J.

Petitioners, namely, Punjab Singh, Kulwant Kaur and Labh Singh, are accused in FIR No.79 dated 10.07.2015 registered under Sections 498-A, 406, 506 of Indian Penal Code (for short 'IPC') at Police Station Dhariwal, District Gurdaspur. During pendency of the proceedings, a compromise was arrived at between the petitioners and respondent No.2, with certain terms and conditions, which was reduced into writing and was signed by both the parties in presence of witnesses.

As per terms and conditions of the compromise, the petitioners have filed this petition for quashing of aforesaid FIR on the basis of compromise.

While issuing notice of motion on 19.02.2016, parties were directed to appear before Illaqa Magistrate for recording of their statements with regard to compromise.

In response to the said directions issued by this Court, the parties have appeared before Chief Judicial Magistrate, Gurdaspur and their statements 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 voluntary. Complainant-respondent No.2 has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings. Both the parties have undertaken to abide by all the terms and conditions settled in the compromise.

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.

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 impugned criminal proceedings arising out of FIR No.79 dated 10.07.2015 registered under Sections 498-A, 406, 506 IPC at Police Station Dhariwal, District Gurdaspur as well as all subsequent proceedings arising therefrom qua petitioners, namely, Punjab Singh, Kulwant Kaur and Labh Singh, are hereby quashed.

28.03.2016
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(DAYA CHAUDHARY)
JUDGE