

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

Crl. Misc. No.M-650 of 2016

Date of Decision: 11.04.2016

Jagdish Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the 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. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Mr. Abhishek Jain, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.75 dated 16.08.2014 registered under Sections 498-A/406 IPC at Police Station Sandaur, District Sangrur and subsequent proceedings arising therefrom on the basis of compromise.

The FIR, in question, was registered on the basis of complaint made by respondent No.2. Due to temperamental differences between the petitioner and respondent No.2, various cases were filed against each other like a petition under Section 9 of the Hindu Marriage Act, Domestic Violence Act and a complaint under Section 125 Cr.P.C. Thereafter, a

compromise was effected between the parties and a joint petition under Section 13-B of the Hindu Marriage Act was also filed.

In view of the compromise arrived at between the parties, the present petition was filed for quashing of FIR on the basis of compromise, wherein, notice of motion in the case was issued on 11.01.2016 and the parties were directed to appear before the Illaqa Magistrate for recording of their statements with regard to compromise.

In compliance of said directions, the parties appeared before Illaqa Magistrate, Malerkotla and their statements were recorded, wherein, the factum of compromise was affirmed by the parties. Complainant-respondent No.2 Sukhjinder Kaur has stated in her statement that the compromise arrived at with the accused is without any pressure and as per her free will.

As per ratio of judgment of larger Bench of this Court in case ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052***, this Court has power to quash the criminal proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Cr.P.C in order to prevent the abuse of process of law or to secure the ends of justice.

The dispute between the parties has been settled by way of compromise and complainant-respondent No.2 has no objection, in quashing of FIR. Moreover, no purpose would be served, in case, the proceedings are allowed to continue, the ultimate result would be acquittal as the complainant is not going to support the case of the prosecution and its continuation would be an exercise in futility which will not only be the wastage of valuable time of the Court but it would also not be in the interest of both the parties.

Accordingly, the present petition is allowed and FIR No.75

dated 16.08.2014 registered under Sections 498-A/406 IPC at Police Station Sandaur, District Sangrur along with all consequential proceedings arising therefrom qua petitioner Jagdish Singh are hereby quashed.

11.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE