

Criminal Misc. No. M-8949 of 2015

(1)

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

Criminal Misc. No. M-8949 of 2015

Date of decision: 04.02.2016

Sanjeev Kumar and others

..Petitioners

Versus

State of Punjab and others

..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 Arora, Advocate
for the petitioners.

Ms. Rimplejeet Kaur, AAG, Punjab
for respondent No.1 – State.

Mr. AS Gill, Advocate
for respondents No.2 and 3.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.75 dated 18.8.2013 registered under Sections 406 and 498-A of Indian Penal Code (for short 'IPC') at Police Station Women Cell, District Jalandhar and other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered on the basis of statement made by complainant-respondent No.2-Santosh Kumar, who is father of Geeta Sharma-respondent No.3. The petitioners are husband,

father-in-law and mother-in-law, respectively, of respondent No.3. Marriage between petitioner No.1 and respondent No.3 was solemnized on 29.11.2008 and one male child was also born out of said wedlock. Complainant-respondent No.2 levelled allegations of demand of dowry and harassment against the accused-petitioners. During pendency of the proceedings and with the intervention of respectables and common relatives, a compromise was arrived at between the parties before the Mediation and Conciliation Centre of this Court. It was resolved that respondent No.3 will be paid an amount of ₹ 5,40,000/- in lump sum towards maintenance and permanent alimony. It was also settled in the compromise that both the parties will withdraw all the cases filed against each other, which are pending before the competent courts at different places.

Notice of motion was issued and vide order dated 26.11.2015, the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to the said directions issued by this Court, the parties appeared before the trial Court and their statements were recorded. After recording of their statements, 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 pressure from either side. Complainant-respondent No.2 and his daughter have no objection in quashing of the FIR and other proceedings arising therefrom.

Respondent No.3-Geeta Sharma has specifically stated in her

statement that she has received the amount settled as per compromise and has no objection in quashing of the FIR and other proceedings. Similarly, complainant-respondent No.2 has also affirmed the factum of compromise between the parties.

Complainant-respondent No.2 as well as his daughter, namely, Geeta Sharma (respondent No.3) are present in Court and have affirmed the factum of compromise.

Since the dispute between the parties is of matrimonial 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 amount to wastage of precious time of the Court. Moreover, it would not be in the interest of the parties as the complainant is not going to support the case of the prosecution. The purpose of the compromise is to maintain peace and harmony in the relations.

It has also 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.75 dated 18.8.2013 registered under Sections 406 and 498-A IPC at Police

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Station Women Cell, District Jalandhar as well as all subsequent proceedings arising therefrom qua petitioners, namely, Sanjeev Kumar, Jagdish Ram and Mukhtiar Devi, are hereby quashed.

04.02.2016
pooja

(DAYA CHAUDHARY)
JUDGE