

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

Criminal Misc. No. M-7981 of 2016

Date of decision: 20.05.2016

Amandeep Singh and another

..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. Amandeep Chhabra, Advocate
for the petitioners.

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

Mr. Lajpat Sharma, 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.41 dated 05.08.2013 registered under Section 498-A of Indian Penal Code (for short 'IPC') at Police Station Women, Bathinda, 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 she has stated that her marriage was solemnized with petitioner No.1 on 26.09.2010 and a male child was also born out of said wedlock, who is residing with her. She was being harassed by her husband for demand of dowry. Thereafter, due to the dispute arose between

the parties, they started to reside separately. During pendency of the proceedings, an amicable settlement was arrived at between them and complainant-respondent No.2 submitted an affidavit stating therein that she has no objection in quashing of the FIR and other proceedings. As per settlement arrived at between the parties, petitioner No.1 and respondent No.2 filed a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') for dissolution of marriage with mutual consent wherein first motion statement of the parties has been recorded.

While issuing notice of motion on 04.03.2016, 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 Judicial Magistrate Ist Class, Bathinda 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 genuine, voluntarily and without any coercion or undue influence 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 amount to wastage of precious time of the Court. The object 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.41 dated 05.08.2013 registered under Section 498-A IPC at Police Station Women, Bathinda as well as all subsequent proceedings arising therefrom qua petitioners, namely, Amandeep Singh and Kulwant Kaur, are hereby quashed.

20.05.2016
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(DAYA CHAUDHARY)
JUDGE