

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-9631 of 2016

DATE OF DECISION: 24.05.2016

Jagjit Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper 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. B.S. Aulakh, Advocate
for the petitioners.

Ms. Ritu Punj, Addl. A.G., Punjab.

Mr. Shiv Charan Bhola, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 74 dated 24.4.2013 registered under Sections 498-A,406,323,506,34 IPC at Police Station Muktsar City, District Sri Muktsar Sahib, on the basis of compromise arrived at between the parties..

Aforesaid FIR was registered on the basis of complaint made by respondent No.2, wherein, certain allegations of demand of dowry and harassment were levelled against the petitioners. During pendency of the proceedings, a compromise was arrived at between petitioner No.1 and respondent No.2 and they decided to part their ways. Ultimately they filed

divorce petition under Section 13-B of the Hindu Marriage Act. Certain terms and conditions were settled between the parties, which were reduced into writing in the form of compromise and the same was signed by both the parties as well as witnesses from both the sides. As per terms and conditions of the compromise, complainant-respondent No.2 was to be paid ₹ 2,40,000/- in lumpsum, out of which, an amount of ₹ 1,20,000/- was to be paid on the date of hearing of divorce petition while making first motion statement and second instalment was to be paid at the time of second motion statement.

Learned counsel for the petitioners contends that the matter has been compromised between the parties and divorce petition filed under Section 13-B of the Hindu Marriage Act is still pending after recording of statement of first motion. Learned counsel further contends that half of the total amount has been paid to complainant-respondent No.2 and the remaining amount will be paid at the time of recording second motion statement.

Learned counsel for complainant-respondent No.2 has also affirmed the factum of compromise arrived at between the parties as well as filing of petition under Section 13-B of the Hindu Marriage Act and receipt of half of the total amount.

Heard the arguments advanced by learned counsel for the parties and have also gone through the statements of the parties recorded in compliance of direction issued by this Court on 17.3.2016.

Complainant-respondent No.2 has made a specific statement before Chief Judicial Magistrate, Sri Muktsar Sahib that she has no objection in quashing of the FIR and other proceedings. It has also been stated that the compromise arrived at between the parties is as per her free will.

Admittedly, the dispute has been settled by way of compromise between the parties and both the parties have undertaken to abide by the terms and conditions of the compromise. Half of the amount settled in the compromise has already been paid to respondent No.2 and the remaining amount has been undertaken to be paid at the time of recording second motion statement. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings.

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, by exercising the powers conferred under Section 482 Cr.P.C. and by considering the interest of the parties, the present petition is allowed and FIR No. 74 dated 24.4.2013 registered under Sections 498-A,406,323,506,34 IPC at Police Station Muktsar City, District Sri Muktsar Sahib as well as all subsequent proceedings arising therefrom qua petitioners, namely, Jagjit Kumar, Mohan Lal, Ram Piari @ Pyaro Rani and Deep Chand, are hereby quashed.

May 24, 2016
pooja

(DAYA CHAUDHARY)
JUDGE