

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

CWP No. 8110 of 2016
Date of decision: 29.04.2016

Amandeep Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Ashish Gupta Advocate,
for the petitioners.

Paramjeet Singh Dhaliwal, J. (Oral)

This petition has been moved by the petitioners under Article 226 of the Constitution of India for issuance of a writ of certiorari for quashing of case FIR No.17 dated 12.02.2014, registered at Police Station Naya Gaon, Distirct Mohali, under Sections 406, 498-A and 506 of the Indian Penal Code, on the basis of compromise dated 14.09.2015 (Annexure P- 2) entered between the parties.

Notice of motion.

Sh. S.S. Chandumajra, Addl. A.G., Punjab accepts notice on behalf of respondent No. 1. Sh. Pankaj Bhardwaj, Advocate accepts notice on behalf of respondent No. 2.

Written statement on behalf of respondent No. 2 has been filed in Court today and the same is taken on record. Respondent No. 2 has no objection in allowing the petition in terms of settlement dated 14.09.2015 (Annexure P-2).

I have heard learned counsel for the parties and perused the record.

Respondent No. 2 lodged FIR in question against the petitioner and his relatives for the offences punishable under Sections 406,498-A,506 IPC. During the pendency of the proceedings parties have entered into compromise and moved petition for divorce by mutual consent as agreed in compromise deed dated 14.09.2015 (Annexure P-2). The parties have been granted divorce vide decree dated 04.04.2016 (Annexure P-3). Learned counsel for respondent No. 2 has admitted the fact of compromise and also the decree of divorce by mutual consent (Annexure P-3). Respondent No. 2 has no objection to quashing of the impugned FIR and subsequent proceedings arising therefrom.

Hon'ble Supreme Court in ***B.S. Joshi versus State of Haryana 2003 SC 1386*** has held that there is no general proposition limiting the power of quashing criminal proceedings or an FIR or complaint as vested in Section 482 of the Code of Criminal Procedure or extra ordinary power under Article 226 of the Constitution of India to quash criminal proceedings in matrimonial case rather, this power is to be used for the purpose of scoring ends of justice. In matrimonial cases specifically, quashing of FIR becomes necessary when the matter is amicably settled. Section 320 of Cr.P.C would not be a bar to the exercise of power of quashing. In this connection it has also been held that in matrimonial matters it is the duty of the Court to encourage amicable settlement of disputes. In para 14 of this

judgment it has been observed that hyper technical view would be counter-productive and would act against the interest of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash such proceedings with a view to meet the ends of justice, would prevent women from settling in their life earlier after divorce. This is not the object of the law.

Consequently, in view of compromise dated 14.09.2015 (Annexure P-2) and reply of respondent No.2- Ruchi Sekhi and keeping in view the law laid down by the Hon'ble Apex Court in the case of ***Madan Mohan Abbot vs. State of Punjab, 2008(2) RCR (Criminal) 429***, which has been affirmed by a Larger Bench of the Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab and another, SLP (Crl.) No.8989 of 2010*** decided on 24.9.2012, by the Full Bench judgment of this Court in the case of ***Kulwinder Singh and others vs. State of Punjab and another, 2007(3) RCR (Crl.) 1052***, no useful purpose would be served in prolonging the litigation, especially when this case does not fall within the category of exceptional cases where this Court should not exercise its inherent jurisdictional power to quash the criminal proceedings, as held in ***Gian Singh's case*** (supra). In the facts and circumstances of this case, it would be unfair and contrary to the interest of justice to continue with the criminal proceedings and continuation of the criminal proceedings would amount to abuse of process of law despite settlement and compromise between the victim and the wrong

doer and to secure the ends of justice, therefore, it is appropriate that criminal case is put to an end.

The ratio of law laid down in the above referred decisions of the Hon'ble Supreme Court and full bench of this Court referred to above is clearly applicable to the facts of this case. In view of the settlement arrived at between the parties, to bring end the matrimonial dispute and to secure the ends of justice quashing of FIR becomes necessary.

Accordingly, the present petition is allowed. FIR No.17 dated 12.02.2014, registered at Police Station Naya Gaon, Distirct Mohali, under Sections 406, 498-A and 506 of the Indian Penal Code is hereby quashed, on the basis of compromise dated 14.09.2015(Annexure P-2) and all the criminal proceedings arising out of the said FIR also stand quashed.

The parties shall abide by the terms of settlement without any deviation and will refrain from interfering in each others' life, in any manner, in future.

29.04.2016

PA

(Paramjeet Singh Dhaliwal)
Judge