

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-18101 of 2015

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Date of decision:23.9.2015

Inderjit Singh and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

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Present: Mr. Sanjeev Manrai, Senior Advocate with Mr. Sanjay Kumar,
Advocate for the petitioners.

Mr. B.S. Bhullar, Assistant Advocate General, Punjab
for the respondent-State.

Mr. G.S. Brar, Advocate for complainant-respondent No.2
along with Subedar Pala Singh-father of the complainant
in person.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.120 dated 13.10.2013 (Annexure-P.1) registered for the offences under Sections 498-A, 316, 270 and 149 IPC at Police Station Gidderbaha, Tehsil Gidderbaha, District Sri Muktsar Sahib and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Sukhwinder Kaur, who stated that her marriage was solemnized with Inderjeet Singh-petitioner No.1 on 24.4.2011, but due to temperamental differences, matrimonial dispute arose between them. Now with

intervention of respectable persons of both the sides, the matter has been amicably compromised between the parties vide compromise dated 11.2.2014 by Mediation & Conciliation Centre of High Court and there is no ill-will between them and the relations between both the parties are cordial.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Sub Divisional Judicial Magistrate, Gidderbaha has sent her report dated 15.9.2015 submitting that complainant-Sukhwinder Kaur has stated that the accused had promised to pay ₹1,95,000/- in the Court, but the accused had offered only ₹1 Lac to her and they refused to pay the remaining ₹95,000/-. So, she does not agree with this compromise. The complainant requested that the accused may kindly be directed to pay the compensation amount i.e. worth ₹1,95,000/-. The learned Sub Divisional Judicial Magistrate, Gidderbaha has submitted that complainant-Sukhwinder Kaur does not agree to receive the amount of ₹1 Lac as per compromise.

Today, complainant's father Subedar Pala Singh appeared in the Court in person along with learned counsel for complainant-respondent No.2. Learned counsel for respondent No.2 states that complainant is to take ₹1 Lac as per the compromise and respondent No.2 has no objection, if the FIR is quashed as per the compromise (Annexure-P2). Father of complainant states that respondent No.2 could not come to the Court as she

is suffering from illness. Learned counsel for respondent No.2 also states that as per the statement made by the private respondent before the learned District Judge in the case filed under Section 13-B of the Hindu Marriage Act, all the dowry articles have been received by her. A certified copy of these proceedings has been placed on record. ₹One Lakh paid today to the counsel for respondent No.2 in the Court.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned senior counsel for the petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 and have gone through the record, specially the compromise dated 11.2.2014 got effected by Mediation & Conciliation Centre of this Court. As per compromise only ₹One Lakh remained to be paid which has been paid today in the Court.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate

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conviction are bleak.

Therefore, keeping in view the fact that the matter has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.120 dated 13.10.2013 (Annexure-P.1) registered for the offences under Sections 498-A, 316, 270 and 149 IPC at Police Station Gidderbaha, Tehsil Gidderbaha, District Sri Muktsar Sahib and all subsequent proceedings arising out of the same are hereby quashed.

September 23, 2015.

(Inderjit Singh)
Judge

hsp