

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-22834 of 2015

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Date of decision:17.12.2015

Sukhpal Singh and another

.....Petitioners

v.

State of Punjab and others

.....Respondents

.....

Present: Mr. G.S. Bhatia, Advocate for the petitioners.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

None for the complainant-respondents No.2 and 3.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.49 dated 13.7.2011 (Annexure-P.1) registered for the offences under Sections 498-A and 323 IPC at Police Station Kambo Patiala, District Amritsar and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The marriage of the complainant was solemnized with petitioner No.1 Sukhpal Singh on 12.12.2005 as per Sikh rites and customs at Amritsar. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the above said FIR has been registered on the statement of complainant-Sukhpreet Kaur against the petitioners. Now with the intervention of respectable persons, the

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matrimonial dispute has been amicably settled between the parties and they have entered into a compromise.

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 Judicial Magistrate Ist Class, Amritsar, has sent his report dated 10.12.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer admits the factum of compromise and submits that in case the parties have indeed settled their matrimonial 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 counsel for the petitioners as well as learned Assistant Advocate General, Punjab and have gone through the record.

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 matrimonial dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matrimonial dispute 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.49 dated 13.7.2011 (Annexure-P.1) registered for the offences under Sections 498-A and 323 IPC at Police Station Kambo Patiala, District Amritsar and all subsequent proceedings arising out of the same are hereby quashed.

December 17, 2015.

(Inderjit Singh)
Judge

hsp