

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

**Crl. Misc. No. M-32725 of 2014
Date of Decision: 14.10.2015.**

Sham Sunder @ Lucky and othersPetitioners

Vs.

State of Punjab and othersRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sudershan Thakur, Advocate
for the petitioners.

Mr. J.S.Sekhon, AAG, Punjab

Mr. Amit Gupta, Advocate
for respondent No. 4.

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SABINA, J.

Petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 132 dated 6.8.2014, under Section 363, 366 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station City Gurdaspur, District Gurdaspur and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioners as well as counsel for respondent No. 4 have submitted that petitioner No. 1 has performed marriage with Kiranpreet Kaur, daughter of respondent No. 4, against the wishes of her family members. Due to this reason, FIR in question was registered against the petitioners. During mediation and conciliation proceedings, parties have amicably settled their dispute.

Vide order dated 12.1.2015, parties were directed to

appear before the Mediation and Conciliation Centre. Before the Mediation and Conciliation Centre, parties have amicably settled their dispute. The settlement was reduced into writing on 2.2.2015 and the same is duly signed by the parties.

The terms of the settlement reads as under:-

- a) *That the first party has agreed that they shall vacate the rented premises bearing House No. 493, Mohalla Onkar Naggar, P.O. Gurdaspur, District Gurdaspur on or before 25.02.2015.*
- b) *That the second party has agreed that in case the first party vacates the abovesaid premises by the stipulated date, she will have no objection if the above-said FIR is quashed.*
- c) *It has been further decided that the petition for the quashing of the above said FIR shall be filed before the Hon'ble High Court at the earliest. It has been further agreed that the criminal case shall not be pursued by the complainant and her family. The complainant further undertakes that she shall have no objection for the quashing of the above said FIR on the basis of this compromise and fulfilling of terms and conditions and she further undertakes that she shall execute the affidavit and make statement in the Court for the quashing of the above said FIR as and when directed by the Court.*
- d) *The parties further undertake not to initiate or institute any unwanted litigation against each*

other and their family. The parties further undertake not to use any document etc. against each other which have been left in their possession after this date of agreement.

e) It has been further decided between the parties that in case of coming into knowledge of any petition or case filed by any of the parties against other, the same shall be liable to be withdrawn or closed by both the parties or any of the party by tendering a copy of the present compromise.

f) This compromise has been reached between the parties without any pressure and both the parties have very happily agreed to abide by the terms and conditions of the agreement. Both the parties shall be bound with the terms and conditions of this compromise.

g) Both the parties agree that in case first party do not vacate the premises on or before 25.02.2015, the complainant shall be at liberty to pursue the above FIR.

h) Both the parties agreed that in case first party do not vacate the premises within stipulated period, the second party shall be at liberty to initiate contempt proceedings against the first party.”

Learned counsel for respondent No. 4 has submitted that in view of the amicable settlement between the parties, respondent No. 4 has no objection if the FIR in question is ordered to be quashed.

In the present case, petitioner No. 1 has performed marriage with the daughter of respondent No. 4. The FIR in question was registered as the marriage of petitioner No. 1 had been performed with the daughter of respondent No. 4 against her wishes. However, now respondent No. 4 has no objection qua the marriage performed by her daughter with petitioner No. 1. In the facts and circumstances of the present case, continuation of criminal proceedings against the petitioners would not serve any useful purpose and rather continuation of criminal proceedings against the petitioners would have an adverse influence on the matrimonial life of the daughter of the complainant.

Accordingly, this petition is allowed. FIR No. 132 dated 6.8.2014, under Section 363, 366 IPC, registered at Police Station City Gurdaspur, District Gurdaspur and all the consequential proceedings, arising therefrom, are quashed.

**(SABINA)
JUDGE**

October 14, 2015
Gurpreet