

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-505 of 2015

.....

Date of decision:5.2.2015

Kunal Kumar and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Present: Mr. Sanjeev Roy, Advocate for Mr. Umesh Kumar Kanwar,
Advocate the petitioners.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. R.S. Dadwal, Advocate for complainant-respondents
No.2 and 3.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.20 dated 28.2.2014 (Annexure-P.1) registered for the offences under Sections 498-A, 406, 323 and 34 IPC at Police Station Lambra, District Jalandhar and all subsequent proceedings arising therefrom in view of the compromise dated 3.12.2014 (Annexure-P.2).

The marriage of complainant-Rajni was solemnized with Kunal Kumar (petitioner No.1) on 13.12.2013. However, due to temperamental differences between the parties, matrimonial dispute arose between the parties and the above said FIR was registered against the petitioners. Now with intervention of respectable persons and family

[2]

members, the 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, Jalandhar has sent his report dated 4.2.2015 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 and learned counsel for the complainant-respondents No.2 and 3 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 counsel for the petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondents No.2 and 3 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

[3]

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.20 dated 28.2.2014 (Annexure-P.1) registered for the offences under Sections 498-A, 406, 323 and 34 IPC at Police Station Lambra, District Jalandhar and all subsequent proceedings arising out of the same are hereby quashed.

February 5, 2015.

(Inderjit Singh)
Judge

hsp