

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-8229 of 2015

.....

Date of decision:6.11.2015

Avtar Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Harinder Singh, Advocate for the petitioner.

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

Mr. G.B.S. Gill, Advocate for complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.47 dated 20.10.2014 (Annexure-P.1) registered for the offence under Section 498-A IPC at Police Station Women Police Station, District Bathinda and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The marriage of the complainant was solemnized with petitioner Avtar Singh in 2003. 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-Harmail Kaur against her husband. Now with the intervention of respectable persons, 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, Bathinda, has sent his report dated 21.9.2015 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-respondent No.2 admit the factum of compromise and submit 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 petitioner as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 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.

[3]

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.47 dated 20.10.2014 (Annexure-P.1) registered for the offence under Section 498-A IPC at Police Station Women Police Station, District Bathinda and all subsequent proceedings arising out of the same are hereby quashed.

November 6, 2015.

(Inderjit Singh)
Judge

hsp