

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc. M 10516 of 2016 (O&M)
Date of decision: 7.11.2016

Kunal Sharma and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. B.R. Rana-I, Advocate,
for the petitioners.

Mr. Mikail Kad, AAG, Punjab.

Mr. Ajay Sharma, Advocate, for
Mr. Vipin Kumar Sharma, Advocate,
for respondent Nos. 2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 226 dated 6.9.2011 (Annexure P/1) registered under Sections 323, 341 and 506 IPC at Police Station Division No. 5, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/4).

The marriage of Anu Sharma was solemnized with petitioner No.1 on 2.12.2009, as per Hindu rites at Ludhiana. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid FIR has been registered on the statement of complainant-Somesh Sharma. 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. In pursuance of the direction, a report has been received from the Additional Chief Judicial Magistrate, Ludhiana, stating 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 parties and have also gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, a 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.

Consequently, keeping in view the fact that matrimonial dispute

has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No. 226 dated 6.9.2011 (Annexure P/1) registered under Sections 323, 341 and 506 IPC at Police Station Division No. 5, District Ludhiana and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

7.11.2016

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No