

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

1. CRM-M No. 21726 of 2015 (O&M)

Inderjit Kaur & Others

...Petitioners

Versus

State of Punjab & Others

...Respondents

2. CRM-M No. 28905 of 2015

Jagbir Singh & Others

...Petitioners

Versus

State of Punjab & Others

...Respondents

Date of decision: 18.11.2016

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rahul Rampal, Advocate
for the petitioners in CRM-M No. 21726 of 2015;
for the private respondents in CRM-M No. 28905 of 2015.

Mr. T. P. S. Makkar, Advocate
for the petitioners in CRM-M No. 28905 of 2015;
for the private respondents in CRM-M No. 21726 of 2015.

Mr. Arshdeep S. Kler, Deputy Advocate General, Punjab
for the respondent-State in both cases.

JAISHREE THAKUR, J. (Oral)

This common order shall dispose of above mentioned two petitions.

The petitioners in CRM-M No. 21726 of 2015 filed the instant petition under Section 482 of the Code of Criminal Procedure praying for quashing of FIR No. 99 dated 02.06.2015, registered under Sections 452, 380, 354, 323, 146 and 147 of the IPC at Police Station Mataur, District

S.A.S. Nagar, Mohali and all consequential proceedings arising thereunder on the basis of the compromise dated 22.06.2015. Similarly, CRM-M No. 28905 of 2015 was filed by the petitioners therein under Section 482 of the Code of Criminal Procedure praying for quashing of FIR No. 163 dated 21.10.2014, registered under Sections 323, 325 and 34 of the IPC with additional charge under Section 201 IPC at Police Station Mataur, District S.A.S. Nagar, Mohali and all consequential proceedings arising therefrom on the basis of the said compromise dated 22.06.2015.

In brief, the facts of the case are that one Inderjit Kaur was married with Jagbir Singh by solemnizing a marriage on 16.07.2009 by way of an *Anand Karaj* ceremony as per Sikh rites in the presence of parents, relatives and family friends. Due to various differences that arose between the parties, they were living separately and certain cases came to be registered against each other namely FIR No. 99 dated 02.06.2015 and FIR No. 163 dated 21.10.2014. Ultimately, the matter came to be resolved by entering into a compromise executed on 22.06.2015, in which it was decided that Jagbir Singh and Inderjit Kaur would jointly file a divorce petition under Section 13-B of the Hindu Marriage Act, 1955 and that all cases registered against each other would be withdrawn. Furthermore, in the compromise, it was noted that Inderjit Kaur had been returned all her dowry articles and nothing further remained to be given to her in the form of permanent alimony as well as maintenance and that the custody of minor daughter will remain with Jagbir Singh and Inderjit Kaur will never claim her custody.

Keeping in view the fact that the parties have entered into a

compromise, they were directed to appear before the Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate First Class at Mohali, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one. Pursuant to the said compromise, a petition under Section 13-B of the Hindu Marriage Act was also filed and a decree of divorce has been granted by the Additional District Judge, S.A.S. Nagar, Mohali on 11.03.2016.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the rival parties admit the factum of compromise and submit that in case the parties have indeed settled their dispute, they would have no objection to the quashing of the FIRs, in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the rival parties and 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 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 the dispute has been amicably settled and in view of the law laid down by the Hon'ble

Supreme Court in *Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543*, the above noted both the petitions are allowed and FIR No. 99 dated 02.06.2015, registered under Sections 452, 380, 354, 323, 146 and 147 of the IPC and FIR No. 163 dated 21.10.2014, registered under Sections 201, 323, 325 and 34 of the IPC at Police Station Mataur, District S.A.S. Nagar, Mohali and all subsequent proceedings arising out of both the FIRs are quashed qua both the sets of petitioners.

The petitions stand disposed of.

18.11.2016
Ansari

(JAISHREE THAKUR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>