

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

**CRM-M No. 33394 of 2015
Date of decision: 26.10.2016**

Surinder Singh & Another

...Petitioners

Versus

State of Punjab & Another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. C.S. Rana, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab
for respondent No. 1-State.

None for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 90 dated 01.04.2010 **(Annexure P-1)**, registered under Sections 498-A and 406 of the Indian Penal Code at Police Station Jodhewal, District Ludhiana and all subsequent proceedings arising therefrom in view of the compromise dated 06.01.2015 **(Annexure P-2)** entered into between the parties.

The FIR has been registered on the statement of complainant-Neeru Kumar on the allegations that the accused-petitioner and his family members have been harassing her and demanding more dowry articles. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences. It also finds mention in the compromise that the complainant has obtained ex-parte decree of divorce and living separately.

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 Ludhiana, 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. It is further reported that a fine of ₹5000/- has also been deposited by the accused-petitioner with District Legal Services Authority.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer, admits the factum of compromise and submits that in case the parties have indeed settled their dispute, he 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 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, an ex-parte decree of divorce has been obtained by

the complainant 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***, this petition is allowed and FIR No. 90 dated 01.04.2010 (**Annexure P-1**), registered under Sections 498-A and 406 of the Indian Penal Code at Police Station Jodhewal, District Ludhiana and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

October 26, 2016

Ansari

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No