

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

**Crl. Misc. M-37143 of 2016 (O&M)
Date of Decision: 13.12.2016**

(1)

Rajesh Khurana

...Petitioner

Versus

State of Punjab and another

...Respondents

AND

(2)

**CRM-38954-2016 in/and
Crl. Misc. M-38481 of 2016 (O&M)**

Amit Khurana

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.K.Monga, Advocate
for the petitioner in both the petitions.

Mr. Arshdeep S. Kler, DAG Punjab
for respondent No.1-State in both the petitions.

Mr. Harish Bhardwaj, Advocate
for respondent No.2 in both the petitions.

JAISHREE THAKUR, J. (Oral)

CRM-38954-2016 in
Crl. Misc. M-38481 of 2016

Heard.

This application has been preferred for preponing of the date fixed for 10.01.2017, which is to be taken up along with CRM-M-37143-2016, which is listed for 13.12.2016 i.e. today.

For the reasons mentioned in the application, the same is allowed and Crl. Misc. M-38481 of 2016 is preponed and taken up for hearing today.

Crl. Misc. M-37143 of 2016 &
Crl. Misc. M-38481 of 2016

This composite order will dispose of two Criminal Miscellaneous Petitions i.e. Crl. Misc. M-37143 of 2016 filed at the behest of Rajesh Khurana i.e. father-in-law of the complainant and Crl. Misc. M-38481 of 2016 filed at the behest of Amit Khurana i.e. husband of the complainant, in FIR No.0075 dated 24.03.2016, under Sections 498-A, 406 of Indian Penal Code, registered at Police Station Kotwali, District Faridkot (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

Learned counsel for the petitioners appearing on behalf of both Rajesh Khurana and Amit Khurana contends that a marriage took place between Amit Khurana and Manisha Khurana daughter of Sh. Balbir Chand on 23.03.2014, as per Hindu rites and ceremonies and no children was born out of the said wedlock. On account of non-compatibility, disputes arose

between the parties and have started residing separately within a short period of 19 days of the marriage. An FIR came to be registered under the aforesaid sections by wife-Manisha, which matter was ultimately compromised between the parties on 12.10.2016. Pursuant to the compromise, the parties were directed to appear before the learned Chief Judicial Magistrate, Faridkot for recording the statement of parties regarding genuineness of the compromise, where, the complainant stated that she has received all the dowry articles and stridhan and also received a sum of Rs.9,00,000/- out of the total maintenance amount of Rs.18,00,000/- which was agreed to be paid to her by her husband Amit Khurana and a petition under Section 13-B of Hindu Marriage Act, has already been filed, in which, their statements have been recorded. It is further stated that she has no objection, if the FIR is quashed against the said persons. In the statement suffered before the learned Family Court, Faridkot, complainant-Manisha Khurana has admitted to receiving Rs.9,00,000/- and post dated cheques for a further sum of Rs.9,00,000/- as full and final settlement of her maintenance amount, past and future and she would have no objection, if the aforesaid FIR is quashed.

Learned counsel appearing on behalf of respondent-State, 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 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 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**, these petitions are allowed and FIR No.0075 dated 24.03.2016, under Sections 498-A, 406 of Indian Penal Code, registered at Police Station Kotwali, District Faridkot and all subsequent proceedings arising out of the same are quashed qua both the petitioners.

The petitions stand disposed of.

13.12.2016
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No