225

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 43814 of 2015
Date of decision: 20.10.2016

Kulwinder Singh **...Petitioner**

Vs.

State of Punjab & Another **...Respondents**

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Prashant Vashishth, Advocate
for the petitioner.

Mr. Arshdeep S. Kler, Additional Advocate General,
Punjab for respondent No. 1-State.

Mr. V. K. Kaushik, Advocate
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. 77 dated 06.08.2013 **(Annexure P-1)**, registered under Sections 406 and 498-A of the Indian Penal Code at Police Station Women Cell, Ludhiana and all subsequent proceedings arising therefrom in view of the compromise dated 22.09.2015 **(Annexure P-2)** entered into between the parties.

The FIR has been registered on the statement of complainant-Gurjinder Kaur on the allegations that the accused-petitioner and his family members have been beating her and demanding more dowry. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

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

MOHAMMAD WASEEM ANSARI
2016.10.22 10:56
I attest to the accuracy and
integrity of this document

compromise, they were directed to appear before the Illaqua 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.

Learned Additional 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 dispute, they 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 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. 77 dated 06.08.2013 **(Annexure P-1)**, registered under Sections 406 and 498-A

MOHAMMAD WASEEM ANSARI
2016.10.22 10:56
I attest to the accuracy and
integrity of this document

of the Indian Penal Code at Police Station Women Cell, Ludhiana and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

(JAISHREE THAKUR)
JUDGE

October 20, 2016
Ansari

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*

MOHAMMAD WASEEM ANSARI
2016.10.22 10:56
I attest to the accuracy and
integrity of this document