

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

CRM-M-6427-2016

Date of decision: 29.11.2016

Kuldeep Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. M.S. Sidhu, Advocate,
for the petitioners.

Mr. Mikail Kad, AAG, Punjab.

Ms. J.S. Khiva, Advocate,
for respondent No.2.

JAISHREE THAKUR, J.

The petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing the criminal complaint No.145A dated 09.02.2012 (Annexure P-1) registered under Sections 406, 498-A IPC at Police Station Bareta, Summoning Order dated 16.10.2013 (Annexure P-2) passed by JMIC, Budhlada and Order & Chargesheet dated 02.01.2015 (Annexures P-3 and P-4) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-5).

The marriage of the complainant was solemnized with petitioner No.1-Kuldeep Singh as per Anand Karaj Ceremony and out of the said wedlock, one son, namely, Joban Singh was born. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid complaint has been registered on the statement of complainant-Veerpal Kaur. 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 Judicial Magistrate Ist Class, Budhlada, 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 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 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 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 criminal complaint No.145A dated 09.02.2012 (Annexure P-1) registered under Sections 406, 498-A IPC at Police Station Bareta, Summoning Order dated 16.10.2013 (Annexure P-2) passed by JMIC, Budhlada and Order & Chargesheet dated 02.01.2015 (Annexures P-3 and P-4) and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

29.11.2016

Dinesh

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable

Yes/No.