

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

Date of decision: 06.12.2016

1. CRM-M-7012-2016

Sanjeev Kumar ...Petitioner

Versus

State of Punjab & others ...Respondents

2. CRM-M-43436-2016

Krishna Devi & others ...Petitioners

Versus

State of Punjab & others ...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Karan Gupta, Advocate,
for the petitioners.

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

Mr. Abhivadya Sood, Advocate
for respondents No. 2 & 3.

JAISHREE THAKUR, J. (Oral)

This order shall dispose of two petitions bearing CRM-M-7012-2016 and CRM-M-43436-2016 as both have arisen out of the same FIR.

These petitions have been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 74 dated 19.06.2013 **(Annexure P-1)**, under Sections 498-A/406 of the Indian Penal Code, registered at Police Station Bilga, District Jalandhar City and all subsequent proceedings arising therefrom in view of the compromise **(Annexure P-3)**

entered into between the parties.

Learned counsel for the petitioners contends that the marriage was solemnized between the petitioner and respondent No.3 herein. On account of various differences that arose, respondent No.2, the complainant, mother of respondent No.3 got an FIR registered under the aforesaid sections. On the intervention of the family members, the matter was compromised on 23.06.2015 in which it was decided that the parties would reside separately and decree of divorce would be obtained. A total sum of Rs. 3,50,000/- would be paid settling all claims regarding Istri Dhan including dowry articles, gifts and expenses incurred towards the marriage and all maintenance. It was further settled that statement would also be recorded to withdraw the criminal cases that had been initiated under Sections 406/498-A registered at Police Station Bilga, District Jalandhar City. Subsequent to the said compromise, the parties to the compromise i.e. the complainant, her daughter respondent No.3 herein and all the accused appeared before the Illaqa Magistrate to get their statements recorded regarding the genuineness of the compromise. A petition has been preferred which is registered as CRM-M-43436-2016 on behalf of the other accused in the FIR seeking quashing of the same FIR against them on the basis of the compromise that was effected.

Appearance has been put in both the petitions by respondents No.2 & 3, who submit that they have no objection in case the proceedings in CRM-M-43436-2016 are also allowed to be quashed since the genuineness of the compromise has already been recorded.

At this stage, learned counsel for the State points out that the

petitioner in CRM-M-7012-2016 was declared as a proclaimed absconder by an order dated 28.05.2015 (Annexure P-2) and as such no indulgence should be accorded to him as the instant petition has been filed on the basis of the proclaimed absconder.

I have heard learned counsel for the rival parties and while taking note of the order dated 20.05.2016, the proclaimed absconder proceedings were kept in abeyance while directing the petitioner herein to surrender before the trial Court with a further direction that in case the petitioner did appear he be released on interim bail to its satisfaction. In view of the fact that proclaimed absconder proceedings were kept in abeyance by order dated 20.05.2016, and the petitioner appeared and was enlarged on interim bail, there is no bar to entertaining this petition. The statement was recorded regarding the genuineness of the compromise.

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*, both the petitions are allowed and FIR No. 77 dated 19.06.2013 (Annexure P-1), under Sections 498-A/406 of the Indian Penal

Code, registered at Police Station Bilga, District Jalandhar City and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

A photocopy of this order be placed on the file of connected case.

06.12.2016
sp

(JAISHREE THAKUR)
JUDGE

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