

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

**CRM-M-12026-2017
Date of decision: 26.07.2017**

Darbara Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Arun Kumar Batra, Advocate,
for the petitioners.

Mr.M.S. Nagra, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

1. The instant petition under Section 482 Cr.P.C. has been filed by the petitioners seeking quashing of FIR No. 5 dated 09.07.2016, under Sections 406, 498-A IPC registered at Police Station Women, SAS Nagar, Mohali (Annexure P-1) and all other consequential proceedings arising therefrom, on the basis of the compromise Annexure P-2 and affidavit Annexure P-3.

2. In brief, the facts are that respondent No.2/complainant got registered FIR No. 5 dated 09.07.2016, under Sections 406, 498-A IPC at Police Station Women, SAS Nagar, Mohali against the petitioners. The marriage between petitioner No.3 and respondent No.2 was solemnized on 29.12.2013 according to Sikh rites and ceremonies. They cohabited together as husband and wife at Ludhiana, and no child was born out of this wedlock but due to indifferent attitude and incompatibility of temparements both

could not pull on together for long and separated, which led to the filing of the instant FIR.

3. Consequent upon the compromise having been entered into a divorce was granted under Section 13-B of the Hindu Marriage Act. Petitioner No.3, who is the husband of the complainant, appeared through his Special Power of Attorney, namely, his father, whose statements were recorded and on the basis of the statement recorded through the Special Power of Attorney, divorce under Section 13-B of the Hindu Marriage Act has been allowed.

4. 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.

5. In pursuance of the direction, a report has been received from Judicial Magistrate Ist Class, Mohali, 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.

6. Learned A.A.G., 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.

7. I have heard learned counsel for the rival parties and gone through the record.

8. 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.

9. 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. 5 dated 09.07.2016, under Sections 406, 498-A IPC registered at Police Station Women, SAS Nagar, Mohali (Annexure P-1) and all other consequential proceedings arising therefrom are quashed qua the petitioners.

The petition stands disposed of.

26.07.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.