

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

**CRM-M-14622-2017
Date of decision: 19.09.2017**

Vikramjeet Singh & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Krishan Sehajpal, Advocate
for the petitioners.

Mr. Abhaypal Singh Gill, AAG, Punjab
assisted by ASI Bhpinder Singh.

Mr. Pranav Handa, 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. 0041 dated 26.02.2016, under Sections 406, 498-A, 323 and 506 of the IPC, registered at Police Station City Kharar, District S. A. S. Nagar (Annexure P-1), and all subsequent proceedings arising therefrom in view of the compromise dated 15.04.2017 (Annexure P-2) entered into between the parties.

The marriage of respondent No. 2 was solemnized on 08.03.2006 with petitioner No. 1-Vikramjeet Singh. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid FIR has been registered on the statement of complainant/respondent No. 2-Payal Dhiman @ Ritu Dhiman. The matter was eventually settled amicably between the parties and they entered into a compromise. In the compromise, it was decided that the parties would

continue to reside together and all cases would be withdrawn. After the compromise had been entered into and the instant petition filed seeking quashing of the FIR on the basis of the said compromise, petitioner No. 1 Vikramjeet Singh, husband of the complainant, unfortunately passed away.

Before the death of petitioner No. 1, the parties had also got recorded their statement before the Sub Divisional Judicial Magistrate, Kharar regarding the genuineness of the compromise and a report thereof has also been received from Sub Divisional Judicial Magistrate, Kharar, 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.

Today, the matter has been taken up for quashing of the FIR based on the compromise. Kuldeep Kaur-petitioner No. 2 and Harjinder Singh-petitioner. 3 and Payal Dhiman @ Ritu Dhiman-respondent No. 2 are present in Court today. This Court takes note of the fact that Vikramjeet Singh, deceased petitioner No. 1, was the owner of a shop situated at Badala Road, Kharar as well as he was joint owner of the First Floor in H. No. 654, Arya College Road, Kharar along with the minor child. In order to secure the future of the widow of her deceased son, Kuldeep Kaur-petitioner No. 2, who is present in Court, has very graciously given up her claim in the aforesaid properties. In this regard, a statement of Kuldeep Kaur-petitioner No. 2, mother of deceased Vikramjeet Singh, has been recorded separately in the present proceedings wherein she has stated as under:

“Stated that out of love and affection for my widow daughter-in-law Payal Dhiman @ Ritu Dhiman and minor child Naman Dhiman, who is aged about 11 years, I give up any right or claim to my share in the properties, ie.

First floor of H. No. 654, Arya College Road, Kharar, District SAS Nagar and the shop situated at Badala Road, Kharar or any other property which are in the name of my deceased son Vikramjeet Singh. I will have no objection in case the said properties are transferred on to the name of my daughter-in-law Payal Dhiman @ Ritu Dhiman and minor child Naman Dhiman.”

The above mentioned statement is part of the Court proceedings.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer admits to the factum of compromise and submits 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 the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in ***Narinder Singh & others vs. State of Punjab & another, (2014) 6***

SCC 466, this petition is allowed and FIR No. 0041 dated 26.02.2016, under Sections 406, 498-A, 323 and 506 of the IPC, registered at Police Station City Kharar, District S. A. S. Nagar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

Let a copy of the statement recorded be handed over to the complainant-respondent No. 2 in case the same is required at the time of getting the properties transferred.

19.09.2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No