

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

**CRM-M-17318-2017
Date of decision: 31.08.2017**

Girish Mishra

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A. K. Walia, Advocate,
for the petitioner.

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

Mr. Ivneet Singh, 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. 98 dated 24.06.2016, under Sections 406 and 498-A of the IPC, registered at Police Station Phase-I, District S.A.S. Nagar and all subsequent proceedings arising therefrom in view of the compromise dated 30.09.2016 (Annexure P-2) entered into between the parties.

The marriage of the complainant was solemnized on 09.03.2015 with petitioner-Girish Mishra as per Hindu rites and rituals. 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-Puja Mishra @ Puja Pandey. Now, in a transfer petition that was filed before the Hon'ble Supreme Court, the matrimonial dispute has been amicably settled between the parties

before the Supreme Court Mediation Centre and they have entered into a compromise on 30.09.2016.

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. In pursuance of the direction, a report has been received from CJM, 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. It is also reported that no PO proceeding is pending against the petitioner.

In terms of the said compromise, a demand draft of Rs. 3,00,000/-, has been handed over to the counsel for the complainant, today. A copy of the demand draft has been retained on the case file also.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer, and counsel for respondent No. 2 admits to the factum of compromise and submits 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 *Narinder Singh & others vs. State of Punjab & another, (2014) 6 SCC 466*, this petition is allowed and FIR No. 98 dated 24.06.2016, under Sections 406 and 498-A of the IPC, registered at Police Station Phase-I, District S.A.S. Nagar and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

August 31, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No