

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

**CRM-M-19733-2017
Date of decision: 20.12.2017**

Onkar Chand & another

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Munish Puri, Advocate
for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Dhawaljeet Dutt, Advocate
for the complainant/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. 39 dated 14.05.2014, registered under Sections 498-A and 406 of the Indian Penal Code at Police Station Shahpurkandi, District Pathankot and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

The marriage of respondent No. 2 was solemnized on 13.05.2013 with petitioner No. 1 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. Naresh Kumari. However, now with the intervention of respectable persons, the matrimonial dispute has

been amicably settled between the parties and they have entered into a compromise. In fact, the parties decided to part ways and now have obtained a decree of divorce under Section 13-B of the Hindu Marriage Act.

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 Chief Judicial Magistrate at Pathankot, 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.

Mr. Davinder Bir Singh, DAG, Punjab, on instructions from the Investigating Officer, and learned counsel for respondent No. 2 admit to 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. Counsel for respondent No. 2/complainant also submits that the complainant has received all the payments as agreed in the compromise.

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. 39 dated 14.05.2014, registered under Sections 498-A and 406 of the Indian Penal Code at Police Station Shahpurkandi, District Pathankot and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

20.12.2017

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No