

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

Crl. Misc. M 23540 of 2017 (O&M)
Date of decision: 11.10.2017

Nishu Modgil and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Maninder Arora, Advocate
for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab.

Mr. Marinal Sharma, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of Complaint No. 187 dated 18.7.2013 under Sections 406, 498-A, 506, 120-B, 323, 324 and 149 IPC and the summoning order dated 19.7.2013 passed by Judicial Magistrate, Ist Class, Fatehgarh Sahib, in view of the compromise dated 3.4.2017 (Annexure P/4) with a further prayer to quash the order dated 28.11.2014, whereby petitioners were declared as proclaimed persons.

The marriage between the complainant—Anju Bala and petitioner No. 1 was solemnized on 18.11.2012. However, on account of matrimonial dispute, the complainant filed the aforesaid complaint, in which the petitioners were summoned and as they did not appear before the court despite service they were declared proclaimed persons. 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.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial court for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the Sub Divisional Judicial Magistrate, Amloh, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. The complainant in her statement before the Sub Divisional Judicial Magistrate has admitted to the factum of the compromise and she also stated that she would have no objection in case the complaint, summoning order and the order declaring the petitioners as proclaimed persons are quashed.

Learned Assistant Advocate General, 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 matrimonial 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 matrimonial 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 matrimonial dispute has been amicably settled and in view of the law laid 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 Complaint No. 187 dated 18.7.2013 under Sections 406, 498-A, 506, 120-B, 323, 324 and 149 IPC, the summoning order dated 19.7.2013 passed by Judicial Magistrate, Ist Class, Fatehgarh Sahib and the order dated 28.11.2014, whereby petitioners were declared as proclaimed persons, are quashed.

The petition stands disposed of.

11.10.2017

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No