

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

1. CRM-M-23413-2016

Sadhna Sharma

...Petitioner

Versus

State of Punjab & another

...Respondents

2. CRM-M-24064-2017

Rohit Sharma & another

...Petitioners

Versus

State of Punjab & another

...Respondents

Date of decision: 08.12.2017

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. H. S. Randhawa, Advocate for
Mr. P. S. Ahluwalia, Advocate
for the petitioners in both cases.

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

Mr. M. S. Rana, Advocate
for respondent No. 2/complainant in both cases.

JAISHREE THAKUR, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

These petitions have been filed under Section 482 of the Code
of Criminal Procedure seeking quashing of FIR No. 11 dated 16.02.2015,
registered under Sections 498-A and 406 of the Indian Penal Code at Police
Station Women Cell, Commissionerate, Jalandhar and all subsequent

proceedings arising therefrom in view of the compromise entered into between the parties.

The marriage of respondent No. 2/complainant was solemnized on 26.05.2009 with petitioner Rohit Sharma 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 Mona Kalra.

The first petition has been filed by the mother-in-law of the complainant, however, during the pendency of the said petition, the matter stood compromised between the parties and thereafter the second petition has jointly been filed by the husband and mother-in-law of the complainant seeking quashing of the FIR on the basis of the compromise.

By an order dated 24.10.2017, the parties 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 JMIC at Jalandhar, 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. A. S. Dhaliwal, DAG, Punjab, on instructions from the Investigating Officer, and 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.

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*, petition bearing CRM-M-24064-2017 is allowed and FIR No. 11 dated 16.02.2015, registered under Sections 498-A and 406 of the Indian Penal Code at Police Station Women Cell, Commissionerate, Jalandhar and all subsequent proceedings arising out of the same are quashed qua the petitioners herein. Accordingly, petition bearing CRM-M-23413-2016 is disposed of having been rendered infructuous.

A photocopy of this order be placed on the file of the other connected case.

08.12.2017
Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reported

Yes/No
Yes/No