

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

**CRM-M-24413-2017
Date of decision: 03.11.2017**

Dr. Amit Jain & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vinay Begra, Advocate
for the petitioners.

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

Mr. Amit Gupta, 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. 185 dated 27.10.2007 (**Annexure P-1**), registered under Sections 406, 498-A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act at Police Station Haibowal, District Ludhiana 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 with petitioner No. 1-Dr. Amit Jain 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-Komal Jain. 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 have decided to part their ways and have filed a petition under Section 13-B of the Hindu Marriage Act for obtaining a decree of divorce.

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 JMIC at Karnal, 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.

Learned Deputy Advocate General, Haryana on instructions from the Investigating Officer and learned counsel for respondent No. 2-complainant admit 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. It is also informed by the counsel for respondent No. 2 that second motion of the petition, filed under Section 13-B of HMA Act, is pending for 20.11.2017.

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 ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Cr.) 543***, this petition is allowed and FIR No. 185 dated 27.10.2007 (**Annexure P-1**), registered under Sections 406, 498-A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act at Police Station Haibowal, District Ludhiana and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

However, respondent No. 2/complainant is granted liberty to revive the petition in case the terms of the compromise, entered into between the parties, are not adhered to.

03.11.2017

Ansari

**(JAISHREE THAKUR)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*