

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

Crl. Misc. M-28895 of 2017 (O&M)
Date of Decision: September 14, 2017

Vikas Gupta

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amritpal Singh Gill, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG Punjab.

Mr. D.S. Virk, 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.129 dated 16.06.2015 registered under Section 498-A of the Indian Penal Code at Police Station Zirakpur, District SAS Nagar (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

In brief, the facts are that an FIR was registered at the behest of Nisha Gupta d/o Kamal Singh against her husband, father-in-law and sister-in-law alleging harassment and demand of dowry. After the registration of the said FIR under Section 498-A of Indian Penal Code on 16.06.2015, the matter was compromised on 03.08.2017 between the complainant and her husband Vikas Gupta, in which it was noted that the parties have

compromised the matter between themselves and sorted all their differences, while deciding to live together as husband and wife, keeping in view the future of the two minor children born out of the wedlock. A statement of complainant Nisha Gupta was recorded before Mr. Balwinder Kaur Dhaliwal, PCS, Presiding Officer, Lok Adalat in FIR No.129 dated 16.06.2015, in which she submitted that the police after investigation has already presented the cancellation/untrace report and she would have no objection, if the same is accepted, as she is residing along with her husband and her family peacefully. Since the cancellation report had not been accepted by the court, the instant petition has been filed.

Notice has been issued, pursuant thereto an appearance has been caused on behalf of the complainant through counsel, who affirmed the fact that both the petitioner and complainant are living together and states that he would have no objection, in case proceedings under the FIR are quashed.

I have heard counsel for the parties and have perused the compromise and statement given before the Presiding Officer, Lok Adalat, Derabassi.

Complainant has appeared before the Lok Adalat and suffered a statement that the matter stands compromised and she is residing happily in the U.P. and would have no objection, if the cancellation/untrace report filed by the police is accepted. The only reason for the Presiding Officer, Lok Adalat not to accept the cancellation/untrace report was on account of the fact that Section 498-A of Indian Penal Code is non-compoundable. However, once a compromise has been entered into between the parties and

they have decided to reside together, this court has no hesitation in quashing of the FIR.

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.129 dated 16.06.2015 registered under Section 498-A of the Indian Penal Code at Police Station Zirakpur, District SAS Nagar and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of accordingly.

September 14, 2017

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No