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

CRM-M-29857-2017
Date of Decision: 31.10.2017

Rishi Kumar & others **...Petitioners**

Versus

State of Punjab & another **...Respondents**

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A. P. Kaushal, Advocate
for the petitioners.

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

Mr. K. S. Sidhu, Advocate
for respondent No. 2.

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JAISHREE THAKUR, J. *(Oral)*

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 128 dated 15.12.2016, under Sections 498-A and 406 of the IPC, registered at Police Station Women Cell, District Patiala and all subsequent proceedings arising therefrom in view of the compromise dated 23.01.2017 entered into between the parties.

The marriage of respondent No. 2/complainant was solemnized ojn 01.08.2015 with petitioner No. 1 herein 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-Deepika Goyal. Now with the intervention of respectable persons, the matrimonial dispute has been

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amicably settled between the parties and they have entered into a compromise. In fact, the parties have decided to part their ways.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial Court/Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from JMIC, Patiala, 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. It is also reported that one of the accused i.e. Surjit Kaur had died on 30.06.2017 and a copy of her death certificate has been enclosed with the report. Hence the proceedings against her stand abated.

Learned Deputy Advocate General, 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.

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

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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. 128 dated 15.12.2016, under Sections 498-A and 406 of the IPC, registered at Police Station Women Cell, District Patiala and all subsequent proceedings arising therefrom are quashed qua the petitioners.

The petition stands disposed of.

(JAISHREE THAKUR)
JUDGE

31.10.2017
Ansari

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

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