

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

1. CRM-M-36350-2016

Mukhtiar Singh

...Petitioner

Versus

Anna Kanda Dhaliwal

...Respondent

2. CRM-M-38328-2016

Satnam Kaur Dhaliwal & others

...Petitioners

Versus

Anna Kanda Dhaliwal

...Respondent

3. CRM-M-11105-2017

Anna Kanda & another

...Petitioners

Versus

State of Punjab & another

...Respondents

Date of Decision: 27.10.2017

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P. S. Thiara, Advocate
for the petitioner(s) in CRM-M Nos. 36350 & 38328 of 2016
for respondent No. 2 in CRM-M No. 11105 of 2017.

Mr. Jasraj Singh, Advocate
for the petitioners in CRM-M No. 11105 of 2017;
for respondent(s) in CRM-M No. 36350 & 38328 of 2016.

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.

JAISHREE THAKUR, J. (Oral)

This common order shall dispose of above noted three petitions

as they arise from the same incident.

These petitions have been filed under Section 482 of the Code of Criminal Procedure seeking quashing of Criminal Complaint No. 110/2015 dated 30.03.2015, under Sections 323, 406 and 498-A of the IPC including summoning order dated 07.12.2015 and the cross version of the complaint i.e. FIR No. 128 dated 18.12.2015, under Sections 494, 495, 465 and 648 of the IPC, registered at Police Station City Hoshiarpur, District Hoshiarpur and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

In brief, the facts are that the marriage of complainant-Anna Kanda was solemnized on 14.02.2012 with petitioner-Tejbir Singh as per Sikh rites and rituals. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid criminal complaint has been registered at the behest of complainant-Anna Kanda. Subsequent thereto, a cross version by way of an FIR No. 128 dated 18.12.2015, under the aforesaid sections, has also been registered against the complainant and her father. 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, by an order dated 03.04.2017, passed in CRM-M No. 11105 of 2017, they were directed to appear before the trial Court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Chief Judicial Magistrate, Hoshiarpur, 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 no PO proceeding is pending against either of the petitioners.

Learned Assistant Advocate General, Haryana, on instructions from the Investigating Officer, admits to the factum of compromise and submits that in case the parties have indeed settled their 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 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*, these petitions are allowed and Criminal Complaint No. 110/2015 dated 30.03.2015, under Sections 323, 406 and 498-A of the IPC including summoning order dated 07.12.2015 and the cross version of the complaint i.e. FIR No. 128 dated 18.12.2015, under Sections 494, 495, 465 and 648 of the IPC, registered at Police Station City Hoshiarpur, District Hoshiarpur

and all subsequent proceedings arising therefrom are quashed qua all the three sets of petitioners herein.

The petitions stand disposed of.

27.10.2017

Ansari

(JAISHREE THAKUR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>