

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

**CRM-M-35920-2017
Date of Decision: 22.11.2017**

Gurmeet Singh & another

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ashok Paul Batra, Advcoate
for the petitioners.

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

Mr. Rajinder Kantiwal, Advocate
for respondents No. 2 and 3.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 78 dated 07.08.2014, registered under Sections 498-A and 406 of the Indian Penal Code at Police Station Khuian Sarwar, District Fazilka and judgment of conviction and order of sentence dated 30.07.2016, passed by JMIC, Abohar including all subsequent proceedings arising therefrom in view of the compromise dated 06.09.2017 (Annexure P-3) entered into between the parties.

The marriages of respondent No. 2 and respondent No. 3, who are real sisters, were solemnized on 31.03.2010 with petitioner No. 1- Gurmeet Singh and petitioner No. 2-Lakhwinder Singh, respectively, who are real brothers. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid FIR has been

registered on the statement of complainants/respondents No. 2 and 3. Pursuant to the aforesaid FIR, after completing necessary investigation, challan was presented and the trial was conducted wherein by the judgment and order of sentence dated 30.07.2016, JMIC, Abohar held the accused-petitioners to be guilty of committing offence punishable under Section 498-A IPC and sentenced them to undergo rigorous imprisonment for a period of two years with default clause. Aggrieved against the judgment and order of sentence passed, the accused-petitioners filed an appeal which is still pending before the Additional Sessions Judge, Fazilka. However, now with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties and they have entered into a compromise wherein they have decided to part their ways peacefully.

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 Abohar 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 and learned counsel for respondent No. 2 and 3 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*, this petition is allowed and FIR No. 78 dated 07.08.2014, registered under Sections 498-A and 406 of the Indian Penal Code at Police Station Khuian Sarwar, District Fazilka and judgment of conviction and order of sentence dated 30.07.2016, passed by JMIC, Abohar including all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

22.11.2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No