

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

**CRM-M-38505-2016
Date of decision: 23.08.2017**

Harish Kumar

...Petitioner

Versus

Poonam Rani

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Arun Takhi, Advocate,
for the petitioner.

Mr. Gurmeet Singh, Advocate,
for the respondent.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of complaint No. 195/2006 dated 14.01.2006 titled as Poonam Rani vs. Harish Kumar, under Sections 406, 498-A, 420, 506 and 120-B of the Indian Penal Code and all subsequent proceedings arising therefrom including summoning order dated 21.10.2008, in view of the compromise entered into between the parties.

The marriage of the complainant was solemnized on 01.09.2001 with the petitioner herein. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid complaint has been lodged at the behest of respondent-Poonam Rani. 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, 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 Additional 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 PO proceeding is pending against the petitioner in this case. However, the complainant has stated in her statement that the marriage has already been dissolved.

Learned counsel for the respondent admits to the factum of compromise and submits that the parties have indeed settled their dispute and in view of the law laid down by the Hon'ble Supreme Court, the complaint and its subsequent proceedings may be quashed qua petitioner.

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 complaint No. 195/2006 dated

14.01.2006 titled as Poonam Rani vs. Harish Kumar, under Sections 406, 498-A, 420, 506 and 120-B of the Indian Penal Code and all subsequent proceedings arising therefrom including summoning order dated 21.10.2008 and PO proceedings are quashed qua the petitioner.

The petition stands disposed of.

August 23, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No