

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

**CRM-M-42316-2017
Date of decision: 20.12.2017**

Manpreet Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Satinder Singh, Advocate
for the complainant/respondent No. 2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of the Criminal Complaint No. 31035 of 2013 dated 20.03.2008, registered under Sections 498-A and 406 of the Indian Penal Code pending before the trial Court at Jalandhar and all subsequent proceedings arising therefrom including order dated 16.04.2014 in view of the compromise entered into between the parties.

The marriage of respondent No. 2 was solemnized on 25.12.2006 with the petitioner herein 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 filed by the complainant/respondent No. 2 Gursimrat Kaur. 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. In fact, the parties have decided to part ways peacefully by way of getting a decree of divorce under Section 13-B of the Hindu Marriage Act.

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 Jalandhar, 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. The complainant has stated before the trial Court that as per the terms of the compromise, a total sum of Rs. 20 Lakh was agreed to be paid to respondent No. 2 towards full and final settlement, out of which Rs. 15 Lakh have already been paid and Rs. 5 Lakh is still due.

Mr. Davinder Bir Singh, DAG, Punjab 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 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 Criminal Complaint No. 31035 of 2013 dated 20.03.2008, registered under Sections 498-A and 406 of the Indian Penal Code pending before the trial Court at Jalandhar and all subsequent proceedings arising therefrom including order dated 16.04.2014 are quashed qua the petitioner.

However, respondent No. 2/complainant would be at liberty to revive the proceedings in case the terms of the compromise are not adhered to.

20.12.2017

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No