

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

Crl. Misc. M-5425 of 2017 (O&M)
Date of Decision: November 28, 2017

Krishna and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Anupam Bhardwaj, Advocate
for the petitioners.

Mr. A.S. Dhaliwal, DAG Punjab.

Complainant-respondent No.2 in person.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.175 dated 10.10.2015 registered under Sections 406, 498-A of Indian Penal Code at Police Station Goraya, District Jalandhar (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant-Balvir Kumari on the allegations that after her marriage, the accused-petitioners started harassing her for the demand of dowry. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the Illaqua Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate Ist Class at Phillaur, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Complainant/respondent No.2, who is present in court states that she has received a sum of Rs.2,80,000/- from counsel for the petitioner in the shape of demand drafts and cash and nothing is due from the petitioners in terms of the compromise. A separate statement of complainant/respondent No.2 has been recorded in the court to this effect and photocopies of Aadhar card of complainant/respondent No.2 and demand drafts are retained on record.

Counsel for the petitioners submits that as per the compromise arrived at between the parties, nothing is due towards complainant/respondent No.2. He also contends that a decree of divorce has already been granted by learned Addl. District Judge, Jalandhar on 03.11.2017 in favour of the complainant/respondent No.2 and a photocopy of the same has also been placed on record.

Learned State counsel, on instructions from the Investigating Officer admits 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 parties and have 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 **Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543**, this petition is allowed and FIR No.175 dated 10.10.2015 registered under Sections 406, 498-A of Indian Penal Code at Police Station Goraya, District Jalandhar and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

November 28, 2017

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No