

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

**CRM-M-7519-2017
Date of Decision: 01.11.2017**

Suresh Kumar & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Sheena Khanna, Advocate for
Mr. R. K. Rana, Advocate
for the petitioners.

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

None for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 32 dated 09.08.2015, under Sections 498-A and 406 (added later on) of the IPC, registered at Women Police Station, District Bathinda and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

The marriage of respondent No. 2/complainant was solemnized on 26.1.2007 with petitioner No. 1 herein as per Hindu rites and rituals. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid FIR has been registered on the statement of respondent No. 2-Kiranjit Kaur. 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 their ways.

Keeping in view the fact that the parties have entered into a compromise, 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 JMIC, Bathinda, 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 in fact the parties have filed a petition under Section 13-B of the Hindu Marriage Act for obtaining a decree of divorce by way of mutual consent.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer admits to the factum of compromise and submits that in case the parties have indeed settled their dispute, he 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. 128 dated 15.12.2016, under Sections 498-A and 406 of the IPC, registered at Police Station Women Cell, District Patiala and all subsequent proceedings arising therefrom are quashed qua the petitioners.

The petition stands disposed of.

01.11.2017
Aasari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No