

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

CRM-M-9862-2017

Date of decision: 27.09.2017

Vijay Kumar and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jaswinder Singh, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Varinderpal Rajoria, father of the complainant in person.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.18 dated 12.10.2016 under Sections 498-A and 406 IPC, registered at Police Station Women Jagraon, District Ludhiana (Rural) and all subsequent proceedings arising therefrom in view of the compromise dated 10.03.2017 **(Annexure P-2)** entered into between the parties.

In brief, the facts of the case are that the marriage between petitioner No.1 and respondent No.2 was solemnized on 29.11.2013 as per Sikh rites and rituals. A female child was born out of this wedlock. The above referred FIR was got registered by respondent No.2 against the petitioners on the allegations of demand of dowry, giving beatings and harassment. Consequently, both i.e. petitioner No.1 and respondent No.2 agreed to dissolve their marriage by way of mutual consent, which has been granted by the Court on 12.09.2017.

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 the Sub Divisional Judicial Magistrate, Jagraon, stating that the parties have not appeared before it.

However, Varinderpal Rajoria, father of the complainant-respondent No.2, who is present in the Court and has been identified by ASI Raghbir Singh, confirms the factum of compromise and submits that respondent No.2 has no objection if the FIR in question is quashed. He has also submitted that no other case is pending between the parties.

Learned Assistant Advocate General, Punjab, on instructions from the ASI Raghbir Singh, Investigating Officer admit 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.

Notice is also taken of the decree of divorce placed on the record dated 12.09.2017 between the parties and the statement recorded thereunder that the matter stands compromised and all disputes settled.

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.18 dated 12.10.2016 under Sections 498-A and 406 IPC, registered at Police Station Women Jagraon, District Ludhiana (Rural) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

27.09.2017

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.