

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

Crl. Misc. M- 10465 of 2018 (O&M)

Date of Decision: 17.04.2018

Lakhwinder Singh and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J.S.Dappar, Advocate
for the petitioners.

Mrs. Anju Arora, Addl. AG, Punjab.

Mr. Nagar Singh, Advocate 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.117 dated 24.06.2015 (Annexure P/1), registered under Sections 323,498-A, 506, 34 of Indian Penal Code at Police Station Lalru, District SAS Nagar (Mohali) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant- Rajwinder Kaur on the allegations that she had been married to the petitioner on 30.12.2012 as per Sikh rites and ceremonies at village Salempur Walian, Tehsil and District Patiala. Out of the wedlock one boy Gurnoor Singh was born on 10.11.2013. Due to temperamental differences between them there had been a matrimonial discord which led to the filing of the present FIR.

Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences. The parties to the marriage have now started residing together.

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 First Class at Dera Bassi, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Additional Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit 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 (Crl.) 543, this petition is allowed and FIR No.117 dated 24.06.2015 (Annexure P/1), registered under Sections 323,498-A, 506, 34 of Indian Penal Code at Police Station Lalru, District SAS Nagar (Mohali) and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

17.04.2018	(JAISHREE THAKUR)
sunita	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	Yes/No