

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

CRM-M-12081-2018

Date of decision: 13.07.2018

Rajesh Sharma

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.V.S. Sengar, Advocate,
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Vipin Mahajan, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure seeking quashing of complaint No. 129 dated 08.10.2010 under Sections 406/498A IPC registered at Police Station Sadar District Gurdaspur, and summoning order dated 17.02.2011 (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise entered into between the parties.

The marriage of respondent No. 2 was solemnized with the petitioner on 26.02.2009 according to Sikh rites and ceremonies at Gurdaspur. Out of this wedlock one son was born. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid complainant was filed by respondent No. 2,

wherein the petitioner herein and other relatives were summoned. 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. Divorce has been granted to the petitioner under Section 13-B of the Hindu Marriage Act by a decree of divorce dated 17.01.2018.

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 common report in **CRM-M-2004 of 2013** (filed on behalf of the other relatives) has been received from the Addl. Chief Judicial Magistrate, Gujrdaspur, 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.

Learned counsel for the petitioner submits at the Bar that in terms of the compromise arrived at between the parties all proceedings initiated by the complainant and her family members at Noida and Allahabad stand withdrawn.

Mr. V.G. Jauhar, Sr. DAG, Punjab, on instructions from the Investigating Officer, 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 complaint, 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, complaint No. 129 dated 08.10.2010 under Sections 406/498A IPC registered at Police Station Sadar District Gurdaspur, and summoning order dated 17.02.2011 (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

13.07.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.