

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

Crl. Misc. M-12597 of 2018 (O&M)

Date of Decision: April 30, 2018

Gurjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.D. Shama, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. AG Punjab.

Mr. Karan Bhardwaj, Advocate
for complainant/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.10 dated 29.06.2017 registered under Section 498-A of Indian Penal Code at Police Station NRI, SAS Nagar, Mohali (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- Manavjot Kaur on the allegations that after her marriage, the accused- petitioner 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 vide the settlement/compromise dated 21.02.2018 arrived at before the Mediation and Conciliation Centre of this court.

The instant petition for quashing of the FIR was taken up for hearing on 26.03.2018, on which date it was submitted that in terms of the settlement arrived at between the parties before the Mediation and Conciliation Centre of this court on 21.02.2018, the parties have agreed to part ways and the petitioner would pay a sum of ₹ 51,75,000/- to complainant-respondent No.2 as one time settlement, including the maintenance towards the minor child and the custody of the minor child would remain with the mother. It was also contended that the parties would file a petition under Section 13-B of Hindu Marriage Act, while seeking exemption of the mandatory period of six months in granting the divorce by mutual consent.

Today, learned counsel appearing on behalf of both the petitioner as well as complainant-respondent No.2 submit that pursuant to the compromise arrived at between the parties (Annexure P-2), marriage between the parties has already been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act and all the terms have been complied with. It is requested that since the compromise has been arrived at before the Mediation and Conciliation Centre of this court and all the terms of the compromise have been complied with, instead of sending the parties before the trial court to get their statements regarding genuineness of the compromise, the FIR in question may be quashed, while taking into considering the compromise (Annexure P-2).

Keeping in view the facts that the parties have compromised the matter before the Mediation and Conciliation Centre of this court and all the terms of the compromise have been complied with and a decree of

divorce under Section 13-B of Hindu Marriage Act has already been obtained, this court is of the considered view that it would a futile exercise, in case, the parties are now directed to appear before the trial court/Illaqa Magistrate to get their statements recorded regarding genuineness of the compromise, which has already been acted upon in its entirety.

Learned State counsel also admits to 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 **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.10 dated 29.06.2017 registered under Section 498-A of Indian Penal Code at Police Station NRI, SAS Nagar, Mohali and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

April 30, 2018

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No