

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

**CRM-M-16718-2018 (O&M)
Date of decision: 01.08.2018**

Gaurav Mantrao and another

...Petitioners

Versus

Union Territory of Chandigarh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Nand Lal Simmi, Advocate,
for the petitioners.

Ms. Ashima Mor, APP for U.T., Chandigarh.

None for the respondents.

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. 536 dated 30.10.2013 under Sections 498-A & 406 IPC, registered at Police Station Sector-39, U.T., Chandigarh (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. 5 was solemnized with petitioner No.1 on 09.10.2010 as per Hindu rites and ceremonies at Mohali. Out of this wedlock no child was born. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid FIR has been registered on the statement of complainant/respondent No.4. However, now with the intervention of

respectable persons, the matrimonial dispute has been amicably settled between the parties. A settlement /agreement has been entered into between the parties, a copy thereof is annexed with the petition.

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 Judicial Magistrate 1st Class, Chandigarh, 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.

Ms. Ashima Mor, APP for U.T.Chandigarh on instructions from the Investigating Officer 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 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, FIR No. 536 dated 30.10.2013 under Sections 498-A & 406 IPC, registered at Police Station Sector-39, U.T., Chandigarh (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners. However, the petitioners herein are bound by the terms of the compromise entered into, failing which the complainant is at liberty to have the proceedings revived.

The petition stands disposed of.

01.08.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.