

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

(270)

CRM-M-17194-2018

Date of Decision: September 17, 2018.

Gurjot Singh Brar and ors

.... Petitioners

Versus

State of Punjab and anr.

..... Respondents

CORAM: HON'BLE MRS. JUSTICE JAISHREE THAKUR

Present: Mr. I.S. Mann, Advocate, for the petitioners.

Mr. R.S. Khaira, AAG, Punjab.

Mr. G.S. Simble, 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.44 dated 09.04.2017 registered under Sections 498-A, 406, 120-B Indian Penal Code at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2) entered into between the parties.

The marriage of respondent No.2 was solemnized on 22.11.2014 with petitioner No.1 herein. 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.2 Jashandeep Kaur. 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 wherein parties have decided to part ways by way of getting a decree of divorce under Section 13-B of the Hindu Marriage Act.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Additional Chief Judicial Magistrate at Sri Muktsar Sahib, 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 Deputy 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 **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.44 dated

09.04.2017 registered under Sections 498-A, 406, 120-B Indian Penal Code at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

September 17, 2018
harsha

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No