

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

CRM-M-17607-2018

Date of decision: 25.10.2018

Pawandeep Singh Bedi and another

...Petitioners

Versus

State of Union Territory, Chandigarh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Isha Goyal, Advocate,
for the petitioners.

Mr. Kuldeep Tiwari, Addl. P.P. for U.T.Chandigarh.

Mr. P.S. Sarna, 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 FIR No. 45 dated 19.05.2016 under Sections 406, 498-A IPC, registered at Police Station Women's Cell, U.T. Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise (Annexure P-4) entered into between the parties.

The marriage of petitioner No. 1 was solemnized with respondent No.2 on 12.10.2013 as per Sikh rites and ceremonies. 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.2. However, now the matrimonial dispute has been amicably settled between the parties before the Mediation and Conciliation Centre of this Court. A settlement /agreement has been entered into between the parties, a copy thereof is annexed with the petition.

Learned counsel for the petitioners submits that the matter has been settled between the parties before the Mediation and Conciliation Centre of this Court and a settlement/agreement dated 21.02.2018 has been entered into. As per the said compromise, an amount of ₹ 33.75 lacs was to be paid to the complainant as full and final settlement of all her claims and now the said amount has been paid to her. In terms of the compromise, they applied for grant of divorce under Section 13-B of the Hindu Marriage Act and the same has been allowed on 04.10.2018. She further submits that now nothing is pending between the parties. She prays that since the parties have settled their dispute amicably, the FIR against the petitioners be quashed.

Keeping in view the fact that the parties have settled before the Mediation and Conciliation Centre of this Court, this Court did not deem it expedient to have their statements recorded once again before the trial Court/Illaq Magistrate regarding genuineness of the compromise.

Mr. Kuldeep Tiwari, learned Addl. P.P. for U.T. Chandigarh 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 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. 45 dated 19.05.2016 under Sections 406, 498-A IPC, registered at Police Station Women's Cell, U.T. Chandigarh (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

25.10.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.