

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

Crl. Misc. M-18373 of 2018 (O&M)

Date of Decision: July 05, 2018

Vipan Kumar Garg and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ajit Singh Natt, Advocate
for the petitioners.

Ms. Rajni Gupta, Senior DAG Punjab.

None 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.27 dated 25.05.2017 registered under Sections 498-A, 406 of Indian Penal Code at Police Station Women, District Bathinda (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise.

The FIR has been registered on the statement of complainant-Komal on the allegations that after her marriage, the accused-petitioners 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. As per compromise, it was decided that the parties would reside separately and a petition under Section 13-B of Hindu Marriage Act would be filed. The

petitioner would pay a lump sum amount of ₹ 19 lacs to complainant-respondent No.2 as full and final settlement of all her claims towards permanent alimony (past, present and future maintenance).

Notice of motion was issued in the matter.

As per office report, notice issued to complainant-respondent No.2 received back served through father, however, there is no representation on her behalf.

Learned counsel for the petitioners submits that pursuant to the compromise, a decree of divorce by way of mutual consent has already been passed and the agreed amount of ₹ 19 lacs has already been paid to complainant-respondent No.2. It is submitted that now nothing remains due against each other between the parties. It is stated that complainant-respondent No.2 has submitted before the District Judge, Bathinda that she would be bound to make statement for cancellation of the instant FIR and would not pursue the same. It is also submitted that keeping in view the judgment dated 06.12.2017 passed by District Judge, Bathinda (Annexure P-5), the FIR should be quashed.

Learned State counsel, on instructions from the Investigating Officer 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.

Pursuant to the compromise arrived at between the parties, a

petition under Section 13-B of Hindu Marriage Act was filed on 31.05.2017 and a decree for dissolving the marriage between petitioner and complainant-respondent No.2 has already been passed on 06.12.2017 by the District Judge, Bathinda (Annexure P-5). A perusal of judgment dated 06.12.2017 (Annexure P-5) shows that complainant-respondent No.2 had received lump sum amount of ₹ 19 lacs through two demand drafts bearing No.613871 dated 05.12.2017 of ₹ 12 lacs and another bearing No.613872 dated 05.12.2017 of ₹ 7 lacs. Apart from this, complainant-respondent No.2 had also submitted before the District Judge, Bathinda that she would be bound to make a statement for cancellation of FIR No.27 dated 25.05.2017, under Sections 498-A, 406 of Indian Penal Code, registered at Police Station Women, Bathinda and she would not pursue the said FIR in future. Judgment dated 06.12.2017 (Annexure P-5) also noticed that now nothing remains due towards each other between the parties. Under these circumstances, this court is of the considered view that interest of justice would be met, if the instant FIR is quashed.

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.27 dated 25.05.2017 registered under Sections 498-A, 406 of Indian Penal Code at Police Station Women, District Bathinda and all subsequent proceedings arising out of the same are quashed qua the petitioner(s) herein.

The petition stands disposed of.

July 05, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No