

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

CRM-M-18409-2016 (O&M)

Date of decision: 05.04.2018

Sukhwant Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S. K. Sandhir, Advocate
for the petitioner.

Mrs. Anju Arora, Addl. A.G., Punjab.

Mr. A. S. Jawandha, Advocate
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

CRM-10735-2018

Allowed as prayed for.

Copies of the statements as well as of order dated 26.02.2018
passed by the trial Court are taken on record.

CRM-M-18409-2016

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 89 dated 17.05.2010, registered under Section 406 and 498-A of the Indian Penal Code at Police Station Rajkot, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom including the order dated 18.10.2016 (Annexure P-7) by which the petitioner has been declared a proclaimed offender, in view of the compromise (Annexure P-2) entered into between the parties.

The marriage of respondent No. 2 was solemnized on 10.02.2006 with Amarveer Singh, who is the brother of the petitioner 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 Baljit Kaur. However, later on, with the intervention of respectable persons, the matrimonial dispute stood settled amicably between the parties wherein they decided to part ways. Consequently, a petition bearing ***CRM-M-14939-2015*** was filed seeking quashing of the FIR qua other co-accused including husband-Amarveer Singh and the same was allowed by this Court by order dated 30.10.2015 (Annexure P-6).

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 JMIC at Jagraon, 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. It is also reported that no PO proceeding is pending against either of the parties.

Mrs. Anju Arora, Addl. A.G., Punjab, on instructions from the Investigating Officer, and 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 and FIR No. 89 dated 17.05.2010, registered under Section 406 and 498-A of the Indian Penal Code at Police Station Rajkot, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom including the order dated 18.10.2016 (Annexure P-7), by which the petitioner has been declared a proclaimed offender, are quashed qua the petitioner herein.

The petition stands disposed of.

05.04.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No