

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

CRM-M-18879-2017 (O&M)
Date of decision: 15.01.2018

Gurwinder Kumar and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Nirmal Singh, Advocate,
for the petitioners.

Mr. A.S. Sandhu, Addl. Advocate General, Punjab.

Mr. J.S. Mahal, 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. 83 dated 09.06.2015, under Section 406/498-A of the IPC, registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

In brief, the facts of the case are that complainant/respondent No.2 got married to petitioner No.1 Gurwinder Kumar about 10 years back and no child was born out of this wedlock. However, due to temperamental differences, their matrimonial relations got strained and respondent No.2 got registered the above mentioned FIR (Annexure P-1). Now the parties have compromised the matter with the intervention of respectables and in terms

of the compromise the parties have decided to part their ways.

Keeping in view the fact that the parties have compromised the matter, they were directed to appear before the trial Court for getting their statements recorded in support of the compromise. In pursuance of the direction, a report in has been received from the the Judicial Magistrate Ist Class, Patti 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.

Mr. A.S. Sandhu, learned Addl. Advocate General, Punjab on instructions from the Investigating Officer and learned counsel for the respondent No. 2 admit 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 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 *Gian Singh Versus State of Punjab and another, 2012*

(4) RCR (Cr.) 543, this petition is allowed and FIR No. 83 dated 09.06.2015, under Section 406/498-A of the IPC, registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

15.01.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes.

Whether reportable

No.