

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

Crl. Misc. M-2105 of 2018 (O&M)
Date of Decision: January 22, 2018

Davinder Kumar and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Robin Lohan, Advocate
for the petitioners.

Mrs. Anju Arora, Addl. AG Punjab.

JAISHREE THAKUR, J. (Oral)

CRM-1193-2018

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.73 dated 05.04.2007, registered under Sections 406, 498-A of Indian Penal Code at Police Station Division No.7, District Ludhiana (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2).

Notice of motion.

At this stage, on the asking of the court, Mrs. Anju Arora, Addl. AG Punjab, accepts notice on behalf of respondent No.1-State and Mr. Kamal Mor, Advocate puts in appearance on behalf of respondent No.2 and files the power of attorney, which is taken on record. Let sufficient number of copies of the petition be served upon them during the course of day.

The FIR has been registered on the statement of complainant-Neeru Bala 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.

The petitioners herein are the father-in-law and mother-in-law of the complainant, whereas the husband of the complainant had filed a petition for quashing of the instant FIR bearing CRM-M-19751 of 2017, wherein the son of the petitioners and complainant were directed to appear before the trial court to record their statement regarding genuineness of the compromise. Pursuant thereto, the petitioners along with their son and the complainant had appeared before the trial court and got recorded their statements, in which the complainant had stated that she would have no objection in quashing the instant FIR qua all the three accused persons, on the basis of compromise arrived at between them. Considering all these facts, the said petition was allowed on 01.01.2017 and the instant FIR along with all consequential proceedings arising therefrom were quashed qua the son of the petitioners only.

Learned counsel appearing on behalf of the petitioners and complainant-respondent No.2 submit that statement of the parties have already been recorded before the trial court regarding genuineness of the compromise arrived at between them in CRM-M-19751 of 2017 and on the basis of statements recorded in the said petition, the instant FIR should also be quashed against the present petitioners.

In pursuance of the direction issued in CRM-M-19751 of 2017, a report had been received from Judicial Magistrate First Class at Ludhiana, 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 State counsel, on instructions from the Investigating Officer and learned counsel for complainant-respondent No.2 admit to 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 **Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543**, this petition is allowed and FIR No.73 dated 05.04.2007, registered under Sections 406, 498-A of Indian Penal Code at Police Station Division No.7, District Ludhiana and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

The petition stands disposed of.

January 22, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No