

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

(272)

CRM-M-22184-2018
Date of Decision: 19.09.2018

SHIWAN MAHAJAN

...Petitioner

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Munish Puri, Advocate
for the petitioner.

Mr. Randeep Singh Khaira, AAG Punjab.

Mr. Ashutosh , 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. 73 dated 27.10.2016, registered under Sections 498-A, 406 of the Indian Penal Code at Police Station Division No.1, Pathankot, District Pathankot and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

The aforesaid FIR was registered on the statement of respondent No.2/complainant-Priya Mahajan under the said Sections.

The marriage of respondent No. 2 was solemnized with petitioner as per Hindu rites and rituals. 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 with the intervention of

respectable persons, the matrimonial dispute has been amicably settled between the parties and they have entered into a compromise.

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 Additional Chief Judicial Magistrate, at Pathankot, 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. However it is also mentioned that the petitioner-husband did not appear before the Illaqa Magistrate but the statement of the complainant has been recorded who has not opposed quashing of the present FIR.

Learned Assistant Advocate General, Punjab, 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 and FIR No. 73 dated 27.10.2016, registered under Sections 498-A, 406 of the Indian Penal Code at Police Station Division No.1, Pathankot, District Pathankot and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

19.09.2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No