

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

CRM-M-22338-2016
Date of decision: 19.04.2018

Baljinder Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Inderdeep Singh, Advocate
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

Mr. S. S. Sangwan, Advocate
for respondent No. 2/complainant.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 103 dated 15.08.2014, registered under Sections 406, 498-A of the Indian Penal Code at Police Station Kalka, District Panchkula and all subsequent proceedings arising therefrom in view of the compromise/settlement entered into between the parties before the Mediation and Conciliation Centre of this Court.

The marriage of respondent No. 2 was solemnized on 25.11.2003 with the petitioner herein as per Sikh 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 Rekha @ Gurjeet Kaur. However, the parties arrived at a compromise before the Mediator, Mediation & Conciliation Centre of this Court on 22.02.2017 wherein both

the parties decided to part their ways peacefully by way of getting a decree of divorce under Section 13-B of the Hindu Marriage Act. In pursuance of the said compromise, a petition under Section 13-B of the Hindu Marriage Act was filed and a decree of divorce has been obtained by the parties.

Today, the matter has been taken up for hearing and counsel for the petitioner has handed over a sum of ₹30,000/- to the counsel for respondent No. 2/complainant in Court. Counsel for respondent No. 2 submits that the complainant has no objection to the quashing of the FIR.

Mr. A. S. Sandhu, Addl. A. G., Punjab, 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 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. 103 dated

15.08.2014, registered under Sections 406, 498-A of the Indian Penal Code at Police Station Kalka, District Panchkula and all subsequent proceedings arising out of the same are quashed qua the petitioner herein. However, the parties would be bound by the terms of the settlement arrived at between the parties before the Mediation and Conciliation Centre of this Court.

The petition stands disposed of.

19.04.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No