

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

Crl. Misc. No.42547 of 2018 in/and
Crl. Misc. M-23269 of 2018 (O&M)
Date of Decision: December 11, 2018

Nishu Prashar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Alankrit Bhardwaj, Advocate
for the applicant-petitioner.

Mr. B.S. Sewak, Addl. AG Punjab.

JAISHREE THAKUR, J. (Oral)

CRM-42547-2018

This is an application seeking amendment in the memo of parties to the effect that State of Punjab has been inadvertently mentioned as State of Haryana.

For the reasons mentioned in the application, the same is allowed.

Amended memo of parties is taken on record.

Main case

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.102 dated 15.09.2016 registered under Sections 406, 498-A of Indian Penal Code at Police Station Women Ludhiana City (Annexure P/1) and all subsequent proceedings

arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant-Mamta Joshi @ Meenakshi on the allegations that after her marriage, the accused-petitioner 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.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has 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 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 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 **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.102 dated 15.09.2016 registered under Sections 406, 498-A of Indian Penal Code at Police Station Women Ludhiana City and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

December 11, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No