

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

**CRM-M-23639-2017
Date of decision: 08.02.2018**

Dr. Nitin Batra

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Suneet Pal Aulakh, Advocate
for the petitioner.

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

Parties in person.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 2 dated 06.01.2016, registered under Sections 406, 498-A and 315 of the Indian Penal Code at Police Station Women Cell, Sarabha Nagar, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2) entered into between the parties.

The marriage of respondent No. 2 was solemnized on 02.03.2014 with petitioner No. 1. 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 Dr. Rainy Agarwal. 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.

Learned counsel for the petitioner contended that the matter has been resolved before the Police Station Women Cell, Sarabha Nagar, Ludhiana, and in terms of the compromise arrived at between the parties, a total sum of Rs. 35 lakhs is to be paid to respondent No.2 as full and final settlement towards permanent alimony for the past, present and future. It was also contended that in terms of the compromise, a petition under Section 13- B of the Hindu Marriage Act was to be filed for divorce by mutual consent.

Notice of the instant petition was issued and appearance was caused on behalf the respondent-State as well as respondent No. 2.

On 08.12.2017, respondent No.2 appeared in person and submitted that they are living separately since 2015 and admits to the factum of the compromise arrived at between the parties. She also stated that out of Rs. 35 lakhs, Rs. 20 lakhs has already been received by her and she has no objection to the quashing of the FIR, once balance amount of Rs. 15 lakhs is paid. Keeping in view the facts and circumstances, while adjourning the case for today, the following order was passed:

“...In the meantime, if petition under Section 13-B of the Hindu Marriage Act is filed, the District Judge, may consider waiving off the statutory period of six months in terms of the judgment rendered by the Supreme Court in Amardeep Singh Versus Harveen Kaur (2017) 8 Supreme Court Cases 746, in case the petitioner herein is in a position to clear the balance amount.”

The matter has been taken up today. The parties are also present in Court along with their respective counsels.

Counsel for the petitioner submits that the consequent upon the order dated 08.12.2017, relevant part of which has been reproduced above, a decree of divorce has been obtained by the parties under Section 13-B of the Hindu Marriage Act and the balance amount of Rs. 15 lakhs has also been paid to respondent No. 2/complainant.

Respondent No. 2/complainant, who is present in Court, accedes to receiving of balance amount of Rs. 15 lakhs and submits that she has no objection to the quashing of the FIR in question since the marriage has already been dissolved under Section 13-B of the Hindu Marriage Act and she has received full and final settlement as agreed between them.

I have heard learned counsel for the parties and have also perused the paper book.

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.

Since the parties have settled their dispute amicably; a decree of divorce under Section 13-B of the Hindu Marriage Act has already been obtained by them and the complainant/respondent has received full and final settlement as agreed, this Court does not feel any necessity to send the parties for recording of their statements before the trial Court/Illaq Magistrate concerned regarding genuineness of the compromise entered into

between them.

Consequently, keeping in view the above facts and circumstances 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. 2 dated 06.01.2016, registered under Sections 406, 498-A and 315 of the Indian Penal Code at Police Station Women Cell, Sarabha Nagar, Ludhiana (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner herein.

The petition stands disposed of.

08.02.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No