

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

**CRM-M-23936-2017
Date of decision: 27.03.2018**

Jaswant Kaur and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ankur Bansal, Advocate
for the petitioners.

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

Mr. Mandeep Singh Sachdev, 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. 88 dated 13.11.2013, registered under Sections 406 and 498-A of the Indian Penal Code at Police Station Women Cell, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom, including order dated 07.03.2015 by which petitioner No. 5 was declared a proclaimed offender, in view of the compromise (Annexure P-4) entered into between the parties.

The marriage of respondent No. 2 was solemnized on 14.12.2006 with petitioner No. 5 Parvinder Singh Gulati 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 Avinash Kaur. However, later on, with the intervention of respectable persons, the

matrimonial dispute was amicably settled between the parties. In fact, the parties decided to part ways and they filed a petition 13-B of the Hindu Marriage Act for dissolution of their marriage. A formal compromise was reduced in writing on 21.02.2017 before the Family Court at Jalandhar which became part of the petition filed under Section 13-B of the Hindu Marriage Act. Consequent thereto, the instant petition has been filed seeking quashing of the FIR in question.

The matter is taken up today for consideration. Since the compromise was arrived at before the Family Court at Jalandhar in proceedings under Section 13-B of the Hindu Marriage Act, this Court does not feel it necessary to send the parties to the trial Court for recording of their statements regarding genuineness of the compromise.

The parties are present in Court. In terms of the compromise, a sum of ₹6,00,000/-, by way of a demand draft dated 26.02.2018, has been handed over to the complainant. A copy of the said demand draft is retained on the case file. This Court is informed that now the parties have obtained a decree of divorce dated 06.11.2017 and their marriage stands dissolved. A copy of the said decree of divorce is also placed on record. The complainant, who is present in Court, has placed on record an affidavit to the effect that she would have no objection in case the instant FIR is quashed.

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. 88 dated 13.11.2013, registered under Sections 406 and 498-A of the Indian Penal Code at Police Station Women Cell, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom, including order dated 07.03.2015 by which petitioner No. 5 was declared a proclaimed offender are quashed qua the petitioners herein.

The petition stands disposed of.

27.03.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No