

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

Crl. Misc. M 24987 of 2017 (O&M)
Date of decision: 29.8.2018

Amandeep Heera

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajiv Joshi, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Ms. Deepshikha Garg, Advocate,
for respondent No.2.

JAISHREE THAKUR, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 83 dated 11.8.2016 (Annexure P/1) registered under Sections 406, 498-A and 495 IPC at Police Station Lambran, District Jalandhar, and all subsequent proceedings arising therefrom, in view of the compromise (Annexure P/2) with a further prayer to quash the order dated 29.7.2017, whereby petitioner was declared as proclaimed offender.

The marriage was solemnized between the complainant—Monika Saroya and the petitioner on 21.2.2015 at Jalandhar. However, on account of matrimonial dispute, the complainant got registered the aforesaid FIR against the petitioner.

During the proceedings in the FIR, the petitioner was declared proclaimed offender on 29.7.2017. It is relevant to mention here that on 17.7.2017, though this Court had stayed the proceedings under the FIR in question, still the petitioner was declared proclaimed offender on 29.7.2017. It appears that the order was not communicated to the court concerned. In any case, during the pendency of the proceedings, with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties and they have entered into a compromise and in terms of the compromise, the complainant has received ₹6.75 lakhs from the petitioner on account of past, present and future maintenance, alimony and dowry articles as full and final settlement. The respondent/complainant No.2 has no objection in case the FIR is quashed.

I have heard learned counsel for the parties and have also 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 matrimonial 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 matrimonial dispute has been amicably settled and in view of the law laid by the Hon'ble

Supreme Court in **Narinder Singh and others vs. State of Punjab and**

another (2014) 6 SCC 466, it would be in the interest of justice to quash the aforesaid FIR on the basis of the compromise.

For the reasons afore-stated, this petition is allowed and FIR No. 83 dated 11.8.2016 (Annexure P/1) registered under Sections 406, 498-A and 495 IPC at Police Station Lambran, District Jalandhar, and all subsequent proceedings arising therefrom, in view of the compromise (Annexure P/2) are quashed and also order dated 29.7.2017, whereby the petitioner was declared as proclaimed offender is set aside, keeping in view the fact that proceedings under the FIR in question had already been stayed by this Court on 17.7.2017.

The petition stands disposed of.

29.8.2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No