

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

**CRM-M-26169-2017
Date of decision: 05.02.2018**

Anoop Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G. S. Nagpal, Advocate
for the petitioner.

Mr. Jasdeep Singh Walia, Sr. DAG, Punjab.

Mr. G. S. Bains, 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. 116 dated 09.10.2016, registered under Section 498-A of the Indian Penal Code at Women Police Station, District Ludhiana City (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 19.05.2017 (Annexure P-2) entered into between the parties.

The marriage of respondent No. 2 was solemnized on 10.02.2013 with Sandeep Madan, brother of the petitioner herein, however, due to blood cancer, he died and subsequently the second marriage of respondent No. 2 was solemnized on 14.01.2014 with the petitioner herein. 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 Meenakshi. 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. In fact, the parties have parted their ways by way of getting a decree of divorce under Section 13-B of the Hindu Marriage Act.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from JMIC at Ludhiana, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one. It is also reported that no PO proceeding is pending against either of the parties.

Mr. Jasdeep Singh Walia, Sr. DAG, Punjab, on instructions from the Investigating Officer, and learned counsel for respondent No. 2 admit to the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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. 116 dated 09.10.2016, registered under Section 498-A of the Indian Penal Code at Women Police Station, District Ludhiana City (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner herein.

05.02.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No