

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-2807 of 2018

.....

Date of decision:22.3.2018

Nitin Kansal

.....Petitioner

v.

U.T. Chandigarh and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Gaurav Tangri, Advocate for the petitioner.

Mr. Karamvir Singh, Advocate for Mr. J.S. Toor, APP, U.T.,
Chandigarh.

None for the complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.94 dated 31.8.2017 registered for the offence under Section 498-A IPC (Annexure-P.1) at Police Station Women Cell, Sector 17, Chandigarh and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The marriage of the complainant was solemnized with petitioner Nitin Kansal on 7.3.2014 at Red Bishop Hotel, Panchkula as per Hindu rites and ceremonies. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the above said FIR has been registered on the statement of complainant-Shipra Jindal

against her husband. Now with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties and they have entered into a compromise.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Chandigarh, has sent report dated 14.2.2018 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned counsel appearing for learned APP, U.T. Chandigarh, on instructions from the Investigating Officer admits the factum of compromise and submits that in case the parties have indeed settled their matrimonial 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 petitioner as well as learned counsel for the U.T., Chandigarh and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, 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.

Therefore, keeping in view the fact that the matrimonial dispute has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.94 dated 31.8.2017 registered for the offence under Section 498-A IPC (Annexure-P.1) at Police Station Women cell, Sector 17, Chandigarh and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

March 22, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No