

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

Crl. Misc. M-27829 of 2017 (O&M)
Date of Decision: August 03, 2018

Rahul Sekhri

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gautam Thapar, Advocate
for the petitioner.

Ms. Rajni Gupta, Senior DAG Punjab.

Mr. Harkeerat Singh, 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.50 dated 08.03.2017 registered under Sections 498-A, 406 of Indian Penal Code at Police Station City Kharar, District SAS Nagar Mohali (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant-Chetna Bhalla on the allegations that after her marriage, the accused-petitioner started harassing her for the demand of dowry. After the registration of the FIR, the petitioner herein approached this court for grant of anticipatory bail by filing a petition (CRM-M-13661-2017 under Section 438 Cr.P.C. During the pendency of the said petition for grant of anticipatory bail, the matter was referred to the Mediation and Conciliation

Centre of this court, where the parties amicably settled their disputes by way of Settlement/Agreement dated 03.07.2017 (Annexure P-2), on the basis of which the instant petition has been filed for quashing of the aforesaid FIR.

Vide order dated 10.11.2017, this court has observed that since the matter has been settled before the Mediation and Conciliation Centre of this court, there is need to send the parties before the Illaqa Magistrate/trial court for getting their statements recorded. However, taking into consideration that divorce has not been granted and the balance amount has not been paid to complainant, this matter was ordered to be listed, after the divorce has been granted.

Today, this court is informed by learned counsel for the petitioner that pursuant to the compromise, divorce has already been obtained and the entire payment has been made to the complainant, which fact is not disputed by learned counsel for complainant-respondent No.2.

Learned State counsel, 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 parties and have 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 and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.50 dated 08.03.2017 registered under Sections 498-A, 406 of Indian Penal Code at Police Station City Kharar, District SAS Nagar Mohali and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

August 03, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No