

252

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29240-2016 (O&M)
Date of decision-21.09.2018

Brij Mohan

...Petitioner

Vs.

State of U.T.Chandigarh and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.S.Bajaj, Advocate for the petitioner.

Mr. Anil K.Lamdharia, Addl.PP, U.T.Chandigarh.

Mr. Kuldeep Singh Saini, Advocate for
Mr. S.K.Jain, Advocate for respondent No.2.

JAISHREE THAKUR, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.40 dated 29.04.2016 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Women, Chandigarh and all subsequent proceedings arising therefrom in view of the compromise.

The marriage was solemnized between the parties, however, the matrimonial dispute arose between them which led to the filing of the aforesaid FIR. After registration of the FIR, the matter was compromised between the parties before the Lok Adalat, Chandigarh on 14.07.2018 in which it was decided that the parties would file a petition under Section 13-B of the Hindu Marriage Act and the petitioner-Brij Mohan would pay a

sum of ₹ 5 lakh towards full and final settlement, including past, present and future maintenance to respondent No.2 in two instalments. It was also agreed that the first installment would be paid at the time of recording the first motion statement while agreeing that all the pending litigations qua each other would be withdrawn.

Pursuant to the compromise, a petition under Section 13-B of Hindu Marriage Act has been filed and the first one statement has been recorded in which it has been agreed that the party No.1, namely, Nirupama Singh (respondent herein) would appear before the High Court on the 21.09.2018 and get the FIR quashed and that petitioner-Brij Mohan would withdraw criminal miscellaneous pending before the High Court which has been filed against Nirupama Singh and her family members.

Learned counsel for the petitioner herein contends that CRM-M-6657-2018 has already been withdrawn by him on 07.08.2018 and therefore, he prays for the quashing of the FIR in terms of compromise arrived at between the parties. Party No.1-Nirupama Singh in the divorce petition and respondent No.2 herein is present in Court along with her counsel and submits that she would have no objection in case the said FIR is quashed in terms of the compromise arrived at and in view of the joint statement already suffered before the Additional District Judge, Chandigarh.

Learned State counsel, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admits the factum of compromise and submit 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 & others vs. State of Punjab & another, (2014) 6 SCC 466*, this petition is allowed and FIR No.40 dated 29.04.2016 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Women, Chandigarh and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

(JAISHREE THAKUR)
JUDGE

21.09.2018

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No