

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

**CRM-M-28554-2017
Date of decision: 01.02.2018**

Kuldeep Pasahan and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.B.S. Goraya, Advocate
for the petitioners.

Mr. A. S. Sandhu, Addl. A. G., Punjab.

Mr. Rajesh Gupta, Advocate
for respondent No. 2/complainant.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 36 dated 01.07.2016, registered under Sections 406 and 498-A of the Indian Penal Code at Women Police Station, Amritsar and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

The marriage of respondent No. 2 was solemnized on 07.09.2014 with petitioner No. 1 as per Hindu rites and rituals. 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 Roshni Azad. 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 decided to part their ways peacefully

by way of getting a decree of divorce under Section 13-B of the Hindu Marriage Act and a petition has also been filed for the said purpose.

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 Amritsar, 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. A. S. Sandhu, Addl. A. G., 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. Counsel for respondent No. 2 also submits that all the dowry articles so recovered are lying with the police and the same may be directed to be returned to respondent No. 2/complainant.

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. 36 dated 01.07.2016, registered under Sections 406 and 498-A of the Indian Penal Code at Women Police Station, Amritsar and all subsequent proceedings arising out of the same are quashed qua the petitioners herein. It is directed that all the dowry articles so recovered, which are lying with the police, be handed over to respondent No. 2/complainant forthwith.

The petition stands disposed of.

01.02.2018
Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No