

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

**CRM-M-30052-2017
Date of decision: 03.04.2018**

Jatinder Kumar @ Deepak

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amit Goyal, Advocate
for the petitioner.

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

Mr. Naveen Sharma, 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. 141 dated 24.11.2016, registered under Sections 498-A and 406 of the Indian Penal Code, registered at Women Police Station, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise/settlement dated 17.07.2017 (Annexure P-2) entered into between the parties before the Mediation and Conciliation Centre of this Court.

The marriage of respondent No. 2 was solemnized on 27.02.2015 with the 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 Amandeep Kaur. However, the parties

arrived at a compromise before the Mediator, Mediation & Conciliation Centre of this Court on 17.07.2017 wherein both the parties decided to part their ways peacefully by way of getting a decree of divorce under Section 13-B of the Hindu Marriage Act and the petitioner was to pay a sum of ₹ 3,50,000/- as full and final settlement towards her past, future and present alimony and dowry articles. In pursuance of the said compromise, a petition under Section 13-B of the Hindu Marriage Act was filed and a decree of divorce has been granted.

Today, the matter has been taken up for hearing and counsel for respondent No. 2/complainant submits that payment of amount as agreed in the compromise has been made to the complainant and she has no objection in case the present FIR is quashed.

Mr. A. S. Sandhu, Addl. A. G., Punjab, 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 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. 141 dated 24.11.2016, registered under Sections 498-A and 406 of the Indian Penal Code, registered at Women Police Station, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise/settlement dated 17.07.2017 (Annexure P-2) and all subsequent proceedings arising out of the same are quashed qua the petitioner herein. However, the parties would be bound by the terms of the settlement.

The petition stands disposed of.

03.04.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No