

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

CRM-M-31679-2018

Date of decision: 20.09.2018

Rakesh Sethi and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sarju Puri, Advocate,
for the petitioners.

Mr. Randeep Singh Khaira, AAG, Punjab.

Mr. S.S. Behal, Advocate,
for respondent Nos.2 & 3.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 110 dated 31.12.2015 under Sections 323, 406, 498-A IPC, registered at Police Station Women, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise (Annexure P-2) entered into between the parties.

The marriage of petitioner No. 2 was solemnized with respondent No.3 on 29.10.2012 as per Hindu rites and ceremonies. Out of this wedlock no child was born. 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.3. However, now with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties. A settlement / agreement has been entered into between the parties, a copy thereof is annexed with the petition.

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 Judicial Magistrate 1st Class, Ludhiana, 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.

Mr. Randeep Singh Khaira, learned AAG, Punjab on instructions from the Investigating Officer, and learned counsel for respondent Nos. 2 & 3 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.

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, FIR No. 110 dated 31.12.2015 under Sections 323, 406, 498-A IPC, registered at Police Station Women, District Ludhiana (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

Since the matter stands compromised, the bank guarantee that was deposited by petitioner No.3 at the time of allowing her permission to travel abroad, be released to her forthwith.

The petition stands disposed of.

20.09.2018

Satyawan

Whether speaking/reasoned

Whether reportable

**(JAISHREE THAKUR)
JUDGE**

Yes.

No.