

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

CRM-M-32485-2016
Date of decision: 30.04.2018

Anuj Malhotra

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G. S. Sandhu, Advocate
for the petitioner.

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

Mr. Abhinav Sood, 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. 13 dated 14.02.2014, registered under Sections 498-A and 406 of the Indian Penal Code at Police Station Women Cell, Patiala (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 07.03.2017 entered into between the parties before the Mediation and Conciliation Centre of this Court.

The marriage of respondent No. 2 was solemnized on 25.09.2012 with the petitioner herein 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 Jessica Saluja @ Jessica Malhotra. However, the parties arrived at a compromise before the

Mediator, Mediation & Conciliation Centre of this Court on 07.03.2017 wherein both the parties decided to part their ways peacefully and the petitioner was to pay a sum of ₹10,00,000/- (Rupees Ten Lakh) as full and final settlement towards her past, future and present alimony in four installments.

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. 13 dated 14.02.2014, registered under Sections 498-A and 406 of the Indian Penal Code at Police Station Women Cell, Patiala (Annexure P-1) 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 said compromise entered into between them before the Mediation and Conciliation Centre of this Court.

The petition stands disposed of.

30.04.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No