

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

Crl. Misc. M-32796-2018 (O&M)

Date of Decision: 25.09.2018

Gurinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gagandeep Singh Virk, Advocate
for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.103 dated 05.12.2017 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Women Cell, District Ludhiana (Annexure P/1) and all subsequent proceedings arising therefrom in view of the settlement arrived at between the parties (Annexure P/2).

The FIR has been registered on the statement of complainant-respondent No. 2 on the allegations that the accused-petitioner harassed, tortured and gave beatings to her in her matrimonial house for the demand of dowry. Now the parties have amicably settled their dispute and differences and ready to dissolve the marriage due to temperamental differences.

Keeping in view the fact that the parties have entered into a settlement/compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report dated 30.08.2018 has been received from Judicial Magistrate First Class at Ludhiana forwarded by the District and Sessions Judge, Amritsar on 04.09.2018, stating that the settlement/compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit 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 settlement/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 and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.103 dated 05.12.2017 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Women Cell, District Ludhiana and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

September 25, 2018

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No