

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34475 of 2017
Date of Decision:01.03.2018

Deepak JoshiPetitioner
Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.M.K. Bali, Advocate for the petitioner.

Ms.Anju Arora, Addl. A.G. Punjab.

JAISHREE THAKUR J. (ORAL)

That is a petition filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.35 dated 02.05.2017 registered under Section 406/498-A of the Indian Penal Code at Police Station Women, Patiala (Annexure P-2) on the basis of settlement arrived at between the parties on 09.08.2017 in the Mediation Centre, Patiala.

In terms of the settlement arrived at between the parties, it was decided that the parties would file a petition under Section 13-B of the Hindu Marriage Act. The complainant-wife i.e. party no.2 would collect part of her Istridhan lying at the residence of party No.1. It was also decided that party No.1 shall pay to party no.2 Rs. 2 lacs i.e. one half of the total maintenance of Rs.4 lacs agreed to between the parties at the time recording of the first statement of the parties in the Court and shall also hand over the gold articles to the complainant-wife.

The parties are present in Court today. The complainant stands identified by the SC Sukhpreet Singh and photocopy of her Aadhaar Card, which has been duly attested by her, retained in the Court file.

This Court is also informed that a decree of divorce has already been granted under Section 13-B of the Hindu Marriage Act on 27.02.2018.

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 parties have settled the dispute amicably and in the settlement/agreement, it has been agreed that the complainant-Nisha Sharma had no objection in the case the present FIR is quashed 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.35 dated 02.05.2017 registered under Section 406/498-A of the Indian Penal Code at Police Station Women, Patiala (Annexure P-2) and all subsequent proceedings arising out of the same are quashed qua the petitioner herein.

The petition stands disposed of.

(JAISHREE THAKUR)
JUDGE

01.03.2018

Anjal

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No