

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

**CRM-M-34685-2017 (O&M)
Date of decision: 03.07.2018**

Pankish Sharma and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Prateek Pandit, Advocate,
for the petitioners.

Ms. Rajni Gupta, Sr.D.A.G., Punjab.

Mr. Nitin Rampal, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

CRM-M-21231-2018

This is an application for placing on record document
Annexure P-4 and further exemption from filing the typed copy thereof.

For the reasons mentioned in the application, the same is
allowed.

Annexure P-4 is taken on the record and the exemption is
granted from filing the typed copy thereof.

CRM-M-21232-2018

This is an application for preponement of the hearing in the
main case which is listed for 29.08.2018.

Learned counsel for the applicant-petitioners contends that in the integrum period statements of the parties have been recorded through Video Conferencing (Skype).

Mr. Nitin Rampal, learned counsel appearing on behalf of the complainant/respondent No.2 submits that he has no objection in case the hearing in the matter is preponed.

For the reasons mentioned in the application, the same is allowed and the matter is taken up for hearing today itself.

CRM-M-34685-2017

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 75 dated 13.05.2016, under Sections 406, 498-A of the IPC, registered at Police Station Division No.5, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise entered into between the parties.

The marriage of respondent No. 2 was solemnized with petitioner No. 1 on 07.09.2014. No child was born out of the said wedlock. 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. However, now with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties and they have entered into a compromise.

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 Ist Class, Jalandhar, 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.

Ms. Rajni Gupta, learned D.A.G., Punjab, on instructions from the Investigating Officer, and learned counsel for respondent No. 2 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 and FIR No. 75 dated 13.05.2016, under Sections 406, 498-A of the IPC, registered at Police Station Division No.5, District Jalandhar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

03.07.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.