

In the High Court of Punjab and Haryana at Chandigarh

CRM-M-34716 of 2017

Date of decision: July 27, 2018

Pardeep Singh Gill

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kanwar Pahul Singh, Advocate for the petitioner.
Ms. Rajni Gupta, Senior Deputy Advocate General,
Haryana.
Respondent No.2 in person.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.63 dated 22.09.2015, registered under Sections 498A/193/406 of the Indian Penal Code at Police Station Khalchian, Amritsar Rural and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

Counsel for the petitioner herein contends that after registration of the FIR No.63 dated 22.09.2015, under Sections 498A/193/406 IPC, at Police Station Khalchian, Amritsar Rural, the matter was compromised between the parties and they have decided to part with amicably. In fact, pursuant to the said compromise, petition under Section 13-B of the Hindu Marriage Act, 1955 has also been filed and divorce granted. In terms of the said compromise, a sum of ₹28.00 lac has been handed over to the complainant.

Complainant-Manjit Kaur is present in Court, who admits that a divorce has been granted in terms of the

compromise that was arrived at between the parties and that she has received the entire amount as settled in the said compromise. She has received the entire amount of ₹28.00 lac. Separate statement has also been recorded.

At this stage, learned counsel for the petitioner contends that a sum of ₹5.00 lac is lying deposited in the trial Court at Baba Bakala Sahib and the same is sought to be released in favour of the petitioner herein to which the complainant has no objection.

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 the Sub Divisional Judicial Magistrate, Baba Bakala Sahib, 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, Senior Deputy Advocate General, Punjab, on instructions from the Investigating Officer, and 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.63 dated 22.09.2015, registered under Sections 498-A/193/406 of the Indian Penal Code at Police Station Khalchian Amritsar Rural (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner while giving a direction to the trial Court to release a sum of ₹5.00 lac, which is lying deposited in the Court in favour of the petitioner.

The petition stands disposed of.

(JAISHREE THAKUR)

JUDGE

July 27, 2018

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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No