

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

**CRM-M-35083-2017
Date of decision: 23.01.2018**

Sukhjinder Singh @ Harjinder Singh & Ors.

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D. S. Khurana, Advocate
for the petitioners.

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

Mr. Vipul Babuta, Advocate for
Mr. Jaswinder Singh, Advocate
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 154 dated 05.06.2013, registered under Sections 498-A, 406, 417, 420, 494 and 120-B of the Indian Penal Code at Police Station A. Division, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 05.09.2017 (Annexure P-2) entered into between the parties.

The marriage of respondent No. 2 was solemnized on 15.12.2010 with petitioner No. 1 herein as per Sikh rites and rituals. It was the second marriage of the complainant. 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 Manpreet Kaur. 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 JMIC at Amritsar, 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.

However, despite recording of the statement regarding genuineness of the compromise, an objection has been raised that the compromise dated 05.09.2017, annexed with this petition as Annexure P-2, is vague insofar as it does not specify the amount of monthly maintenance i.e. to be remitted by the petitioner No. 1 to the complainant. In response thereto, an affidavit of petitioner No. 1 Sukhjinder Singh has been furnished in Court today in which it is stated that he undertakes to deposit a sum of Rs. 8,000/- on or before the 7th of each calendar month and in case he does not deposit the said amount, the complainant would be at liberty to revive the proceedings under the FIR in question. The said affidavit is taken on record as mark 'A'.

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. 154 dated 05.06.2013, registered under Sections 498-A, 406, 417, 420, 494 and 120-B of the Indian Penal Code at Police Station A Division, District Amritsar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

However, the petitioners are bound by the undertaking, furnished in this Court by way of affidavit, to remit Rs. 8,000/- per month to the complainant and in case the same is not done, the complainant would be at liberty to revive the proceedings under the present FIR.

The petition stands disposed of.

23.01.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No