

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

Crl. Misc. M- 35759 of 2015 (O&M)

Date of Decision: 14.08.2018

Smt.Bhupinder Kaur and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Anurag Chopra, Advocate
for the petitioners.

Ms.Seena Mand, DAG, Punjab.

Mr.J.S.Sodhi, 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.235 dated 14.09.2010 (Annexure P/1), registered under Sections 498-A/406/506 of Indian Penal Code at Police Station Samrala, District Khanna and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant- Kuldip Singh on the allegations that his daughter Kiranjit Kaur was married to petitioner No.3 on 18.02.2009 as per Sikh rites and ceremonies. It was alleged that a matrimonial dispute arose on account of demand of dowry. In the FIR it was alleged that a fraud had been committed upon the complainant and his daughter.

It is pertinent to mention here that during the pendency of the FIR the parties settled their dispute by arriving at a compromise and the compromise deed is Ex.P-2. At present the parties to the marriage are residing together in Italy and they have a child also who was born on 30.01.2015. Petitioner No.3, who is in Italy, has executed a special power of attorney in the name of his father i.e. petitioner No.2 to make statement regarding settlement of the dispute. Thus, a prayer for quashing of the present FIR has been made.

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 Sub Divisional Judicial Magistrate, Samrala stating that parties to the petition namely Bhupinderjit Kaur, Jatinder Singh, Kuldeep Singh and Amarjit Kaur appeared before him and got recorded their separate statements wherein they stated that they have compromised the matter without any coercion, pressure and undue influence and complainant has no objection if the FIR is quashed. He has further informed that Arvinder Singh i.e. petitioner No.3 is a proclaimed offender but statements of the parties reveal that he and Kiranjit Kaur i.e. daughter of the complainant are residing together.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and also the fact that parties to the marriage are residing together in Italy and submits 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 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 Gian Singh Versus State of Punjab and another, 2012(4) RCR (Crl.) 543, this petition is allowed and FIR No.235 dated 14.09.2010 (Annexure P/1), registered under Sections 498-A/406/506 of Indian Penal Code at Police Station Samrala, District Khanna and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

14.08.2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No