

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

Crl. Misc. M-3874 of 2018 (O&M)
Date of Decision: March 15, 2018

Manjeet Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Viren Jain, Advocate
for the petitioners.

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

Mr. J.S. Jaidka, Advocate
for respondent No.2.

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.8 dated 01.02.2016 registered under Sections 498-A, 406 of Indian Penal Code at Police Station Women, Ludhiana (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant- Parminder Kaur on the allegations that after her marriage, the accused-petitioners started harassing her for the demand of dowry.

During the pendency of petition filed under Section 438 Cr.P.C. (CRM-M-13552-2016) for grant of anticipatory bail under the aforesaid

FIR, the matter was referred to the Mediation and Conciliation Centre of this court, where the parties amicably settled their disputes vide Settlement/Agreement dated 09.02.2017 (Annexure P-2) and decided to part ways and withdraw the cases pending between them in different courts. As per the terms and conditions arrived at between the parties, an amount of Rs.12,00,000/- was to be paid to respondent No.2 as permanent alimony and maintenance for past, present and future, out of which an amount of Rs.3,00,000/- was to be paid at the time of making the first statement in the divorce petition under Section 13-B of Hindu Marriage Act, Rs.4,00,000/- was to be paid at the time of making final statement in divorce petition under Section 13-B of Hindu Marriage Act and the balance amount of Rs.5,00,000/- was to be paid at the time of making final statement in the petition for quashing of the aforesaid FIR.

On the last date of hearing, it was submitted by learned counsel for the parties that pursuant to the compromise, divorce by way of mutual consent under Section 13-B of Hindu Marriage Act has already been obtained on 09.01.2018 (Annexure P-4) and only balance amount of Rs.5,00,000/- is to be paid to respondent No.2 at the time of making final statement in this quashing petition.

In view of the above submissions, this order had observed that since the matter has been settled and divorce has been granted under Section 13-B of Hindu Marriage Act, in terms of the compromise duly executed between the parties at Mediation and Conciliation Centre of this court, there is no need to get the statements of the parties recorded again and learned counsel for the petitioners was directed to bring the balance amount of

Rs.5,00,000/- by way of demand draft in the name of complainant/respondent No.2 in the court on the next date of hearing.

Pursuant to the previous order dated 01.02.2018, a demand draft in the sum of Rs.5,00,000/- in favour of complainant-respondent No.2 has been handed over to complainant/respondent No.2, who is present in the court along with her counsel, by the counsel for the petitioners and a receipt on the photocopy of the demand draft has been obtained from complainant/respondent No.2 in this regard and the same is retained on the record of the case.

Both the learned counsel for the petitioners as well as counsel for complainant/respondent No.2 submit, in terms of the settlement/ compromise arrived at between the parties, now nothing is due towards either party.

Learned State counsel, on instructions from the Investigating Officer 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 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 **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.8 dated 01.02.2016 registered under Sections 498-A, 406 of Indian Penal Code at Police Station Women, Ludhiana and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

March 15, 2018

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No