

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

CRM-M-40057-2018 (O&M)

Date of Decision: 28.11.2018

Sandeep Sharma

...Petitioner

Versus

State of U.T. Chandigarh and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Gautam Dutt, APP for U.T., Chandigarh.

None 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.113 dated 05.12.2016 registered under Sections 406, 498-A of Indian Penal Code at Police Station Women, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2).

In brief, the facts are that a marriage was solemnized between the petitioner herein and respondent No.2 on 15.02.2009 as per Hindu rites and ceremonies. Out of this wedlock one male child was born. Some differences arose between the parties and the instant FIR was got registered by respondent No.2. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the Judicial Magistrate 1st Class, Chandigarh, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Mr. Gautam Dutt, learned APP for U.T., Chandigarh, on instructions from the Investigating Officer admits the factum of compromise and submit that the parties have indeed settled their dispute and are residing together, 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.113 dated

05.12.2016 registered under Sections 406, 498-A of Indian Penal Code at Police Station Women, Chandigarh (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

28.11.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes

Yes/No