

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

**CRM-M-4224-2018**  
**Date of decision: 22.02.2018**

**Manas Dutta and another**

**...Petitioners**

**Versus**

**State of Punjab and another**

**...Respondents**

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. J. S. Lalli, Advocate  
for the petitioners.

Mr. K. S. Aulakh, DAG, Punjab.

Mr. Amrik 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. 49 dated 18.11.2016, registered under Section 406 and 498-A of the Indian Penal Code at Women Police Station, District S.A.S. Nagar (Mohali) (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 12.12.2016 (Annexure P-2) entered into between the parties.

In brief, the facts are that a marriage was solemnized between petitioner No. 1 and respondent No. 2 on 22.04.2016 as per Hindu rites and rituals. After some time of the marriage, a dispute arose between the married couple and subsequently the instant FIR was got registered against the petitioners. Apprehending arrest, the petitioners approached the Court of the Additional Sessions Judge seeking grant of anticipatory bail. During the pendency of the said petition, a compromise was arrived at between the

parties and on account of the compromise, bail was granted to the petitioners. As per the compromise, the parties agreed to part ways and to dissolve the marriage by way of filing a petition under Section 13-B of the Hindu Marriage Act. The petitioner No. 1 was to pay a sum of Rs. 9.5 Lakh to the complainant towards her past, present and future maintenance inclusive of permanent alimony, expenses of marriage and dowry etc. A sum of Rs. 5 Lakh was paid at the time of execution of the agreement and the balance amount was to be paid on the date when the complainant would make a statement before the Court that she would have no objection in case the instant FIR is quashed.

Mr. Amrik Singh, Advocate has put in appearance on behalf of respondent No. 2/complainant and a short reply has also been filed by way of affidavit of the complainant.

Counsel for the parties inform this Court that a divorce petition has already been filed and the second motion petition is now listed for 28.03.2018. Today, a sum of Rs. 4.5 Lakh, by way of a demand draft, has been handed over to the complainant, who is present in Court. A copy of the said demand draft, after getting signature of the complainant on the same, has also been retained on the court file. Complainant submits that terms of the compromise have been adhered to as agreed and she has no objection to the quashing of the instant FIR qua the petitioners herein.

Learned Deputy Advocate General, 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. 49 dated 18.11.2016, registered under Section 406 and 498-A of the Indian Penal Code at Women Police Station, District S.A.S. Nagar (Mohali) (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

However, while disposing of this petition, it is made clear that terms of the compromise are to be strictly adhered to by the parties and they will appear before the District Judge, Family Court on 28.03.2018 for making their second statement in the proceedings under Section 13-B of the Hindu Marriage Act.

**22.02.2018**

*Waseem Ansari*

**(JAISHREE THAKUR)**  
**JUDGE**

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*