

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

**CRM-M-42443-2017
Date of decision: 06.02.2018**

Sushila Sharma & another

...Petitioners

Versus

U.T., Chandigarh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mohit Jaggi, Advocate
for the petitioners.

Mr. Rajiv Sharma, Addl. P.P., U.T., Chandigarh.

Mr. Jaswinder Singh Bagga, 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. 106 dated 28.03.2012, registered under Sections 406 and 498-A of the Indian Penal Code at Police Station Sector 31, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom including order dated 25.03.2013 (Annexure P-2), by which petitioner No. 2 was declared a proclaimed person, in view of the compromise dated 23.10.2017 (Annexure P-3) entered into between the parties.

The marriage of respondent No. 2 was solemnized on 28.12.2008 with petitioner No. 2 herein. 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 Seema Sharma. 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. In fact, the parties decided to part their ways peacefully and they have already filed a petition under Section 13-B of the Hindu Marriage Act for dissolution of their marriage.

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 Chandigarh, 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.

Mr. Rajiv Sharma, Addl. P.P., U.T., Chandigarh, on instructions from the Investigating Officer, and learned counsel for respondent No. 2 admit to the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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. 106 dated 28.03.2012, registered under Sections 406 and 498-A of the Indian Penal Code at Police Station Sector 31, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom including order dated 25.03.2013 (Annexure P-2), by which petitioner No. 2 was declared a proclaimed person, are quashed qua the petitioners herein.

The petition stands disposed of.

06.02.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No