IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(247)

CRM M-43482-2017
Decided on:March 08, 2018.

GAURAV SHARMA & ANOTHER

.... Petitioners

Versus

STATE OF PUNJAB & ANOTHER

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present : Mr. S.K. Chaudhary, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. Adovcate General, Punjab.

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JAISHREE THAKUR, J. (Oral)

In this petition, the petitioner, who is an accused in F.I.R. No. 34, dated 14.03.2015, under Section 498A of the Indian Penal Code, registered at Police Station Division No.2, Pathankot District Gurdaspur, (now Pathankot) (Annexure P-1) has prayed for quashing of F.I.R. with all subsequent proceedings on the basis of compromise.

The aforesaid FIR was registered on the statement of respondent No.2/complainant-Rashmi Sharma under the above said Sections.

The marriage of respondent No. 2 was solemnized with petitioner No. 1 as per Hindu rites and rituals. 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-Rashmi Sharma. However, now with the

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intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties and they have entered into a compromise.

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, Pathankot, vide report dated 29.11.2017 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.

Learned Addl. Advocate General, Punjab, 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

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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 F.I.R. No. 34, dated 14.03.2015, under Section 498A of the Indian Penal Code, registered at Police Station Division No.2, Pathankot District Gurdaspur, (now Pathankot) (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

March 08,2018 **(JAISHREE THAKUR)**
tarun sahni **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*

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