

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

CRM-M-44591-2018 (O&M)

Date of Decision:05.12.2018

Kapil Mahajan and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM : HON'BLE MS. JUSTICE JAISHREE THAKUR

Present : Mr. Rahul Bhargava, Advocate
for the petitioners.

Ms. Rajni Gupta, Sr. D.A.G. Punjab.

Mr. Ruhani Chadha, 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.35 dated 30.06.2016 registered under Sections 406/ 498-A/120-B of Indian Penal Code at Police Station Women Cell, District Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise.

The FIR is result of matrimonial dispute. However, 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/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the directions, a report has been received from Judicial Magistrate Ist Class, Amritsar, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned State counsel on instructions from the Investigating Officer and learned counsel for respondent No.2-complainant admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of 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 v. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.35 dated 30.06.2016 registered under Sections 406/ 498-A/120-B of Indian Penal

Code at Police Station Women Cell, District Amritsar City (Annexure P-1)

and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

05.12.2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No