

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

Crl. Misc. M-44906 of 2018 (O&M)
Date of Decision: October 11, 2018

Balveer Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aminder Singh, Advocate
for the petitioners.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.76 dated 02.07.2018 registered under Sections 498-A, 406, 323, 34 of Indian Penal Code at Police Station Sherpur, District Sangrur (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

Notice of motion.

At this stage, on the asking of the court of the court, Ms. Rajni Gupta, Senior DAG Punjab accepts notice on behalf of the respondent-State and Mr. Angad Chahal, Advocate files the power of attorney on behalf of respondent No.2, which is taken on record and admits to the factum of the compromise. Let copies of the petition be served upon them during the course of the day.

The FIR has been registered on the statement of complainant-Gurdeep Kaur on the allegations that after her marriage, the accused-

petitioners started harassing her for the demand of dowry. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences vide the settlement/compromise dated 26.09.2018 arrived at before the Mediation and Conciliation Centre of this court.

Learned counsel appearing on behalf of both the petitioners as well as complainant-respondent No.2 submit that pursuant to the compromise arrived at between the parties (Annexure P-2), they are residing together with their daughters happily. It is requested that since the compromise has been arrived at before the Mediation and Conciliation Centre of this court, instead of sending the parties before the trial court to get their statements regarding genuineness of the compromise, the FIR in question may be quashed, while taking into considering the compromise (Annexure P-2).

Keeping in view the facts that the parties have compromised the matter before the Mediation and Conciliation Centre of this court and they are residing happily with their daughters, this court is of the considered view that it would a futile exercise, in case, the parties are now directed to appear before the trial court/Illaq Magistrate to get their statements recorded regarding genuineness of the compromise, which has already been acted upon.

Learned State counsel also 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 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.76 dated 02.07.2018 registered under Sections 498-A, 406, 323, 34 of Indian Penal Code at Police Station Sherpur, District Sangrur and all subsequent proceedings arising out of the same are quashed qua the petitioner(s).

The petition stands disposed of.

October 11, 2018

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No