

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-44399 of 2017

.....

Date of decision:22.3.2018

Kuljinder Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Sukhbir Singh, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Vishal Rattan Lamba, Advocate for the complainant-
respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.22 dated 27.1.2016 (Annexure-P.1) registered for the offences under Sections 498-A, 494 and 406 IPC at Police Station City Moga, District Moga and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The marriage of the complainant was solemnized with petitioner Kuljinder Singh on 17.11.2012 at Mini Dhawan Palace, Moga as per Sikh rites and ceremonies. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the above said

FIR has been registered on the statement of complainant-Simarjit Kaur against her husband and other family members. Now with the 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 learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate, Moga, has sent his report dated 2.1.2018 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their matrimonial 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 as well as learned Assistant Advocate General, Punjab and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, 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 matrimonial dispute,

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continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matrimonial dispute has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.22 dated 27.1.2016 (Annexure-P.1) registered for the offences under Sections 498-A, 494 and 406 IPC at Police Station City Moga, District Moga and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

March 22, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No