

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

Crl. Misc. M-44784 of 2017 (O&M)
Date of Decision: January 11, 2018

Jagdeep Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gulzar Mohd. Advocate
for the petitioners.

Mr. A.S. Sandhu, Addl. AG Punjab.

Mr. Vikram Anand, 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.127 dated 05.05.2017 registered under Sections 406, 498-A, 34 of Indian Penal Code at Police Station Kapurthala, District Kapurthala (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant-Gaganpreet 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.

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 direction, a report has been received from Chief Judicial Magistrate at Kapurthala, 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 counsel for respondent No.2 submits that balance payment in terms of the compromise is to be paid in the petition filed under Section 13-B of Hindu Marriage Act.

Learned State counsel, on instructions from the Investigating Officer 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 **Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543**, this petition is allowed and FIR No.127 dated 05.05.2017 registered under Sections 406, 498-A, 34 of Indian Penal Code at Police Station Kapurthala, District Kapurthala and all subsequent proceedings arising out of the same are quashed qua the petitioners, subject to making the balance payment in terms of the compromise entered into between the parties and leaving it open to the parties to re-agitate their claim, in case, the terms of the compromise are not adhered to.

The petition stands disposed of.

January 11, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No