

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

**CRM-M-45539-2017
Date of decision: 28.03.2018**

Varinderpal and another

...Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioners.

Mrs. Anju Arora, Addl. Advocate General, Punjab.

None 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. 29 dated 28.04.2015, registered under Sections 406 and 498-A of the Indian Penal Code at Police Station Smalsar, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 10.11.2017 (Annexure P-2) entered into between the parties.

The marriage of respondent No. 2 was solemnized on 01.02.2013 with petitioner No. 1. 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 Rekha Rani. However, now with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties and they have entered into a compromise wherein the parties have decided to part ways by way of getting

a decree of divorce under Section 13-B of the Hindu Marriage Act.

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 the Sub Divisional Judicial Magistrate at Baghapurana, 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.

Mrs. Anju Arora, Addl. Advocate General, Punjab, 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 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 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 FIR No. 29 dated 28.04.2015,

registered under Sections 406 and 498-A of the Indian Penal Code at Police Station Smalsar, District Moga (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

The petition stands disposed of.

28.03.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No