

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

Crl. Misc. M-48358-2018 (O&M)

Date of Decision: 14.12.2018

Rashpal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Saini, Advocate for
Mr. Puneet Sharma, Advocate
for the petitioner.

Mr. B.S. Sewak, Additional AG, Punjab.

Mr. Ajay Singh Rawat, 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.160 dated 24.12.2016 registered under Sections 406, 498-A, 417, 494 of Indian Penal Code at Police Station Women, Police Commissionerate, Jalandhar (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise incorporated in the petition under Section 13-B of the Hindu Marriage Act, 1955 dated 11.07.2018 (Annexure P/2) supported by statement dated 02.08.2018 of respondent No.2 (Annexure P/3).

The FIR has been registered on the statement of complainant-respondent No. 2 on the allegations that the accused-petitioners harassed,

tortured and beaten her in her matrimonial house for demand of dowry and threatened to kill and harm her. The accused-petitioner solemnized marriage with the complainant-respondent No.2 without getting divorce from her first wife. 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 dated 29.11.2018 has been received from Judicial Magistrate Ist Class at Jalandhar forwarded by the District and Sessions Judge, Jalandhar, 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 Additional 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 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.160 dated 24.12.2016 registered under Sections 406, 498-A, 417, 494 of Indian Penal Code at Police Station Women, Police Commissionerate, Jalandhar and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

December 14, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No