

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

CRM-M-4855-2018
Date of decision: 19.04.2018

Nitesh Gupta and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D. K. Singal, Advocate
for the petitioners.

Mrs. Anju Arora, Addl. A.G., Punjab.

Mr. Vivek Sharma Vashishth, Advocate
for respondent No. 2/complainant.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 19 dated 25.05.2017, registered under Sections 406 and 498-A of the Indian Penal Code at Police Station Women Cell, Amritsar and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-3) entered into between the parties before the Mediation and Conciliation Centre of this Court on 30.11.2017.

The marriage of respondent No. 2 was solemnized on 14.03.2016 with petitioner No. 1 herein as per Hindu rites and rituals. 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 Pooja Gupta. However, the parties arrived at a compromise before the Mediator, Mediation &

Conciliation Centre of this Court on 30.11.2017 wherein both the parties decided to part their ways peacefully by way of getting a decree of divorce under Section 13-B of the Hindu Marriage Act. Other terms were also settled which are detailed in the settlement (Annexure P-3) itself. In pursuance of the said compromise, a petition under Section 13-B of the Hindu Marriage Act has already been filed.

Today, the matter has been taken up for hearing and in terms of the said settlement arrived at between the parties, the second installment of ₹2,00,000/-, by way of demand drafts, has been paid to the complainant who is present in Court. Copy of the said demand drafts have also been retained on the case file. It is informed that second motion petition is pending for 17.07.2018 before the District Judge, Amritsar, however, complainant has no objection in case the FIR is quashed at the present moment.

Mr. A. S. Sandhu, Addl. A. G., 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. 19 dated 25.05.2017, registered under Sections 406 and 498-A of the Indian Penal Code at Police Station Women Cell, Amritsar and all subsequent proceedings arising out of the same are quashed qua the petitioners herein. However, the parties would be bound by the terms of the settlement arrived at between the parties before the Mediation and Conciliation Centre of this Court.

The petition stands disposed of.

19.04.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No