

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

Crl. Misc. M-48447 of 2017 (O&M)
Date of Decision: June 01, 2018

Ravinder Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.P. Garg, Advocate
for the petitioner.

Mrs. Anju Arora, Addl. AG Punjab.

Mr. Satbir Rathore, 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.181 dated 03.12.2014 registered under Sections 406, 498-A of Indian Penal Code at Police Station City Hoshiarpur (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-Sucheta on the allegations that after her marriage, the accused-petitioner started harassing her for the demand of dowry.

During the pendency of CRM-M-28153 of 2017 before this High Court, the matter was referred to the Mediation and Conciliation Centre of this Court, where the Settlement Agreement dated 22.11.2017

(Annexure P-2) came to be entered between the parties, resolving all the disputes pending between themselves.

It is submitted by learned counsel for the parties that pursuant to the Settlement Agreement (Annexure P-2), the parties have already filed a petition under Section 13-B of Hindu Marriage Act, in which statements have also been recorded. Today, a demand draft amounting to ₹ 1 lac 50 thousand has been handed over by learned counsel for the petitioner to learned counsel appearing on behalf of respondent No.2 as balance payment of the settled amount towards permanent alimony, istridhan, maintenance (past, present and future) and a photocopy of the same is retained on record.

Since both the parties have entered into the compromise by Settlement Agreement dated 22.11.2017 (Annexure P2) in the Mediation and Conciliation Centre of this High Court, there is no need to send them to the trial court/Illaq Magistrate to record their statements regarding genuineness of the said compromise, when all the terms and conditions of the same have been acted upon.

Learned State counsel, on instructions from the Investigating Officer 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 **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.181 dated 03.12.2014 registered under Sections 406, 498-A of Indian Penal Code at Police Station City Hoshiarpur and all subsequent proceedings arising out of the same are quashed qua the petitioner(s). The parties shall remain bound by the terms and conditions of the Settlement Agreement (Annexure P-2).

The petition stands disposed of.

June 01, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No