

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

**CRM-M-49355-2017 (O&M)
Date of decision: 16.04.2018**

Narinder Kumar Rakshit

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vivek Sharma, Advocate,
for the petitioner.

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

Mr. Sandeep Jain, Advocate,
for respondent No.2.

JAISHREE THAKUR, J.

1. The instant petition has been filed under section 482 Cr.P.C. for quashing of FIR No. 50 dated 21.05.2010 registered under sections 498A IPC registered with Police Station Mandi, District Jalandhar on the basis of a compromise (Annexure P/3) arrived at between the parties and all subsequent proceedings arising thereunder.

2. In brief, the facts are that a marriage was solemnised between the parties on 30.01.2008 at Phagwara and the same was an inter-caste marriage. No children were born out of this wedlock. A matrimonial dispute arose between the petitioner and respondent No. 2 in the year 2008, which led to the registration of FIR No. 333 of 2008 under sections 406, 498-A IPC. Eventually the matter was compromised between themselves and thereafter the parties started living together. However, again, on account of matrimonial dispute another FIR No. 50 dated 21.05.2010 was registered

under sections 498-A IPC at Police Station, Mandi District, Jalandhar. A criminal complaint was also filed against respondent No. 2 by the petitioner under sections 307, 325, 324, 323, 506 IPC. A petition under Section 13 of the Hindu Marriage Act for dissolution of marriage was filed in the year 2013 before the District Judge, Kapurthala by respondent No. 2 and divorce was granted thereunder. The criminal complaint filed by the petitioner was dismissed by order dated 30.08.2016. Thereafter, the petitioner approached the High Court challenging the divorce granted by filing **FAO-M-467-2016**, as well as **CRM-M-40601-2016** challenging the order dated 30.8.2016, vide which the criminal complaint had been dismissed. When proceedings came up for hearing in **FAO-M-467-2016**, the parties were referred to the Mediation and Conciliation Centre of this Court for exploring the possibility of a settlement to their dispute, which was successful and a settlement deed dated 01.11.2017 was entered into between the parties. In terms of the settlement, it was agreed that the parties would part ways and the appeal filed, would be converted into a petition under section 13- B of the Hindu Marriage Act for grant of divorce with mutual consent. It was also agreed that the husband petitioner would pay a sum of ₹ 2 lakh as full and final permanent alimony to the respondent wife in two installments in the shape of bank draft. Furthermore, it was agreed that the petitioner herein would file a petition seeking quashing of FIR No. 50 dated 21.5.2010 at Police Station Mandi, District Jalandhar under section 498-A IPC on the basis of a compromise before the High Court and respondent No. 2 would have no objection if the same was quashed. It is in this background that the instant petition has been instituted.

3. Learned counsel appearing on behalf of the parties contend that

the divorce has already been granted by converting the FAO into a petition under section 13-B of the Hindu Marriage Act by the High court on 07.03.2018 with a stipulation that parties would be bound by the terms of the compromise arrived at. Counsel for respondent no. 2 states that there would be no objection in case the proceedings initiated under FIR No. 50 dated 21.05.2010 registered under sections 498A IPC launched with Police Station Mandi, District Jalandhar are quashed.

4. Learned Deputy Advocate General, Punjab, on instructions from Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit that in case parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR.

5. I have heard learned counsel for the parties and have gone through the record.

6. 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 (Crl.) 543*, this petition is allowed and FIR No.50 dated 21.05.2010 registered under sections 498-A IPC registered with Police Station Mandi, District Jalandhar and all subsequent proceedings arising out of the same

are quashed.

7. The petition stands disposed of.

16.04.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.