

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

CRM-M-49980-2017

Date of decision: 18.07.2018

Mohit Kumar Sharma and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Varun Sharma, Advocate,
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. Amit Dhawan, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 58 dated 24.09.2015 under Sections 406 /498-A IPC registered at Police Station Women Cell, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise entered into between the parties.

The marriage of respondent No. 2 was solemnized with petitioner No.1 on 10.05.2014 according to Hindu rites and ceremonies. Out of this wedlock no child was born. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid FIR was lodged by respondent No. 2. 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. The parties have obtained a decree of divorce with mutual consent under Section 13-B of the Hindu Marriage Act on 01.07.2017.

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 Judicial Magistrate 1st Class, Jalandhar, 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.

Ms. Seena Mand, DAG, Punjab, on instructions from the Investigating Officer, and learned counsel for respondent No. 2 admit to the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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, FIR No. 58 dated 24.09.2015 under Sections 406 /498-A IPC registered at Police Station Women Cell, Jalandhar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

18.07.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes.

Whether reportable

No.