

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

**CRM-M-7357-2018
Date of decision: 28.03.2018**

Amritpal Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bhanu Pratap Singh, Advocate
for the petitioners.

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

None 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 Complaint Case No. COMI/3353/2013 dated 23.07.2012 titled as “**Sunita Saini vs. Amritpal Singh and others**” pending in the Court of JMIC, Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom including summoning order dated 04.07.2017 (Annexure P-2), wherein the petitioners have been summoned to face trial under Sections 323 and 498-A of the IPC, in view of the compromise dated 10.02.2018 (Annexure P-3) entered into between the parties.

The marriage of respondent No. 2 was solemnized on 23.04.2004 with petitioner No. 1 as per Sikh rites and rituals. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid complaint case has been registered at the

behest of complainant/respondent No. 2 Sunita Saini. 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. In fact, the parties have decided to reside together happily.

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 JMIC at Hoshiarpur, 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. It is also reported that no PO proceeding is pending against either of the parties.

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 Complaint Case

No. COMI/3353/2013 dated 23.07.2012 titled as “**Sunita Saini vs. Amritpal Singh and others**” pending in the Court of JMIC, Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom including summoning order dated 04.07.2017 (Annexure P-2), wherein the petitioners have been summoned to face trial under Sections 323 and 498-A of the IPC, are quashed qua the petitioners herein.

The petition stands disposed of.

28.03.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No