

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

CRM-M-7383-2018

Date of decision: 04.04.2018

Kuldeep Singh and others**...Petitioners****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Rahul Sharma, Advocate
for the petitioners.

Mr. A. S. Sandhu, 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 FIR No. 138 dated 04.08.2016, registered under Sections 494, 506, 498-A and 120-B of the Indian Penal Code at Police Station Sadar Khanna, District Khanna (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 24.05.2017 (Annexure P-2) entered into between the parties.

In brief, the facts are that respondent No. 2 was earlier married to one Kashmir Chand in 1995, out of which wedlock, a son was born. After marriage, they started residing at Khanna in a rented house. Kashmir Singh was working as a driver. Petitioner No. 1 was also working as driver and he used to visit the house of the complainant. Subsequently, a dispute arose between the complainant and his husband as he had suspicion over the character of the complainant. Eventually, it was decided at Police Station City Khanna that the complainant would be reside with petitioner No. 1

herein, consequently, they started living as husband and wife and a son was also born to them. 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. Sandeep Kaur @ Sushma Rani. 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.

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 Khanna, 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.

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. 138 dated 04.08.2016, registered under Sections 494, 506, 498-A and 120-B of the Indian Penal Code at Police Station Sadar Khanna, District Khanna (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

The petition stands disposed of.

04.04.2018

Waseem Ansari

**(JAISHREE THAKUR)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*