

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

Crl. Misc. M-9204-2018 (O&M)
Date of Decision: 15.11.2018

Pankaj Bhardwaj

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.S. Virk, Advocate
for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

Mr. M.K. Dogra, Advocate
for the 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.142 dated 22.08.2014 registered under Sections 406, 498-A of the Indian Penal Code at Police Station E-Division, District Amritsar (Annexure P/1) along with the judgment of conviction and order of sentence dated 11.12.2017(Annexure P/2) and all subsequent proceedings arising therefrom in view of the compromise dated 12.02.2018 (Annexure P/3).

The FIR has been registered on the statement of complainant-respondent No.2 on the allegations that the accused-petitioners had harassed and tortured her in her matrimonial home for demand of dowry. Now with the intervention of respectable persons, the matter has been

amicably compromised between the parties and they have resolved their disputes and differences and have also part their ways as they have filed petition under Section 13B of the Hindu Marriage Act.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report dated 20.10.2018 has been received from Additional District and Sessions Judge at Amritsar forwarded by the District and Sessions Judge, Amritsar, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit 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.142 dated 22.08.2014 registered under Sections 406, 498-A of the Indian Penal Code at Police Station E-Division, District Amritsar (Annexure P/1) along with the judgment of conviction and order of sentence dated 11.12.2017 (Annexure P/2) and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

November 15, 2018

seema

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No