

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

Crl. Misc. M- 9862-2018 (O&M)

Date of Decision: December 18, 2018

Baljit Singh Jhansal and others

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Liaqat Ali, Advocate
for the petitioner(s).

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Ashok Paul Batra, Advocate
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. 167 dated 24.09.2016 registered under Sections 406, 420, 379 120-B of Indian Penal Code at Police Station City Muktsar, District Muktsar Sahib (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant- on the allegations that the accused-petitioners cheated and misbehaved with the petitioners. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise and in view of the said compromise, petition under Section 13-B of the Hindu Marriage Act was filed and divorce has now been granted to the parties vide decree of divorce dated 01.11.2018

Learned Sr. Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainant-respondent No.2 admit the factum of compromise and submit that as the parties have settled the dispute and have parted their ways, 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 and have parted their ways mutually, 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 by way of a compromise and the terms of the compromise of order dated 12.03.2018 have been complied with and nothing is pending between them and that the divorce has been granted to the parties, 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. 167 dated 24.09.2016 registered under Sections 406, 420, 379 120-B of Indian Penal Code at Police Station City Muktsar, District Muktsar Sahib (Annexure P/1) and all subsequent proceedings arising therefrom are quashed qua the petitioners.

The petition stands disposed of.

December 18, 2018

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No