

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

(Heard through VC)

CRM No.21930 of 2020 in/and
CRM-M-1022 of 2020 (O&M)
Date of Decision: September 08, 2020

Arun Goyal and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.S. Ichhewal, Advocate
for the petitioners.

Ms. Monika Jalota, DAG Punjab.

Mr. I.P.S. Ishar, Advocate
for complainant/respondent No.2.

JAISHREE THAKUR, J. (Oral)

CRM-21930-2020

This is an application that has been filed to prepone the hearing in the quashing petition, adjourned to 02.12.2020 by an administrative order.

For the reasons mentioned in the application, the same is allowed and the quashing petition is taken up for hearing today.

CRM-M-1022-2020

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.26 dated 24.05.2017 registered under Sections 406, 498-A of Indian Penal Code at Police Station

Women Cell, Bathinda (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise.

The FIR has been registered on the statement of complainant-Leezu on the allegations that after her marriage, the accused-petitioners started harassing her for the demand of dowry. With the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences vide the compromise arrived at before this court in CRM-M-22071 of 2019.

As per the compromise arrived at between the parties, it has been agreed that the petitioners herein shall pay a sum of ₹ 82 lacs to complainant/respondent No.2 in full and final settlement of all the claims of the complainant including wedding expenses, permanent alimony and *stridhan*. The laptop, blank cheques and the educational certificates of the complainant, which were lying in the custody of the police, were agreed to be returned to the complainant. It has been further agreed between the parties that out of the total settled amount, half of the amount i.e. ₹ 41 lacs would be paid to the complainant by way of demand draft on 10.06.2019 in the chamber of Mr. Jai Gopal Goel, Advocate at Bathinda, on which date, the parties to the marriage would file a petition for divorce by mutual consent and the remaining amount of ₹ 41 lacs would be paid on the date fixed for second motion statement. It has also been agreed that decree of divorce would be the evidence of the fact of compromise and the petitioners herein would be entitled to file a petition for quashing of the FIR on the basis of compromise.

Today, learned counsel appearing on behalf of the petitioners as

well as complainant-respondent No.2 submit that pursuant to the compromise arrived at between the parties, marriage between the parties has already been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act and all the terms of the compromise have been complied with. It is requested that since the compromise has been arrived at before this court in CRM-M-22071 of 2019 and all the terms of the compromise have been complied with, instead of sending the parties before the trial court to get their statements regarding genuineness of the compromise, the FIR in question may be quashed, while taking into consideration the compromise.

Keeping in view the facts that the parties have compromised the matter before this court in the petition filed for grant of anticipatory bail to the petitioners and all the terms of the compromise have been complied with and a decree of divorce under Section 13-B of Hindu Marriage Act has already been obtained, this court is of the considered view that it would a futile exercise, in case, the parties are now directed to appear before the trial court/Illaq Magistrate to get their statements recorded regarding genuineness of the compromise, which has already been acted upon in its entirety.

Learned State counsel also 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 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.26 dated 24.05.2017 registered under Sections 406, 498-A of Indian Penal Code at Police Station Women Cell, Bathinda and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

September 08, 2020

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No