

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

CRM-M No.7291 of 2019 (O&M)
Date of Decision.29.01.2020

Manohar Singh and others ...Petitioners
Vs
State of Punjab and another ...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ish Puneet, Advocate
for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Jagjot Singh, Advocate for
Mr. IPS Mangat, Advocate
for respondent No.2.

-:-

JAISHREE THAKUR J. (ORAL)

1. This is a petition that has been filed for quashing of the FIR No.431 dated 08.07.2017 registered under Sections 323, 406, 498-A, 34 IPC at Police Station, Mujesar, District Faridabad (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise that has been arrived at between the parties.

2. In brief, the facts are that a marriage was solemnized between Harjoban Singh, petitioner No.3 and Harmeet Kaur, respondent No.2, however, the same did not stand the test of time. On account of a matrimonial dispute that arose between the parties, the complainant Harmeet Kaur got aforementioned FIR registered against her husband and in-laws.

3. After registration of the FIR, husband namely Harjoban Singh preferred a petition seeking anticipatory bail and in those proceedings, the petitioners and complainant were directed to appear before the Mediation and Conciliation Centre of this Court to explore the possibility of amicable

settlement. The mediation process was successful and a compromise was effected between the parties in which it had been decided that parties would part ways by filing a petition under Section 13-B of the Hindu Marriage Act. The husband Harjoban Singh was to pay a sum of ₹10 lakhs to the complainant as permanent alimony for her future maintenance, out of which ₹5 lakhs was to be paid on presentation of petition under Section 13-B of the Hindu Marriage Act and recording of statement whereas the balance was to be paid upon statement at the second motion being recorded between the parties.

4. Consequent to the compromise, a petition was filed under Section 13-B of the Hindu Marriage Act and divorce has already been allowed by the Principal Judge, Family Court, Gurdaspur, Camp Court at Batala on 10.09.2019. It is recorded by the Principal Judge, Family Court, Gurdaspur that she has received the entire amount and nothing more is due from Harjoban Singh.

5. Parties are present in Court today and are duly identified by their respective counsel.

6. On the asking of Court, parties submit that all matters have been settled amicably and they have no dispute pending *inter se*.

7. Harmeet Kaur has suffered her statement in Court that she has no objection to the FIR being quashed in terms of compromise arrived at between the parties, since she has received an amount of ₹10 lakhs. Instead of relegating the parties to appear before the Illaqa Magistrate to have their statements recorded afresh, this Court deems it appropriate to have statement of the complainant recorded in the Court today and the same is taken on

record as Mark A.

8. Learned Deputy 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.

9. I have heard learned counsel for the parties and have gone through the record.

10. 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.

11. 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.431 dated 08.07.2017 registered under Sections 323, 406, 498-A, 34 IPC at Police Station, Mujesar, District Faridabad (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioners.

(JAISHREE THAKUR)
JUDGE

January 29, 2020
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No