

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

Crl. Misc. M- 10920-2019 (O&M)
Date of Decision: February 19, 2020

Kishan Singh and another

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Satwant Mehta, Advocate
for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Jashandeep, 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 criminal complaint No. 358/1/2013 CIS No. 210/2014 dated 26.11.2013, filed under Sections 498-A, 406, 323, 324 Indian Penal Code at Police Station Tarn Taran, district Tarn Taran (Annexure P/1) , Summoning order dated 08.01.2015 (Annexure P-2) and to quash the judgment of conviction dated 15.02.2017 passed by the Ld. Trial Court Tarn Taran (Annexure P-3) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/4).

The FIR has been registered on the statement of complainant on the allegations that the accused-petitioners harassed her for want of dowry and the husband of respondent No. 2 gave beatings to her and even

fractured her arm. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences. It has further been submitted that pursuant to the compromise, the parties decided to part their ways and had got their marriage dissolved by way of a decree of divorce by mutual consent.

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 has been received from the Addl. District and Sessions Judge, Tarn Taran, 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 Deputy Advocate General, Punjab, on instructions from the Investigating Officer submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the complaint/FIR, in view of the law laid down by the Hon'ble Supreme Court. Learned counsel for the complainant-respondent No.2 too admits the factum of compromise.

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 criminal complaint No. 358/1/2013 CIS No. 210/2014 dated 26.11.2013, filed under Sections 498-A, 406, 323, 324 Indian Penal Code at Police Station Tarn Taran, district Tarn Taran (Annexure P/1), Summoning order dated 08.01.2015 (Annexure P-2) and to quash the judgment of conviction dated 15.02.2017 passed by the Ld. Trial Court Tarn Taran (Annexure P-3) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

February 19, 2020

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No