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IN THE HIGH COURT OF PUNJAB &
HARYANA AT CHANDIGARH

CRM-M-37913-2016(O&M)

Date of Decision:13.02.2020

AMARJIT SINGH AND ANOTHER

.... Petitioners

Versus

STATE OF PUNJAB AND ANR

..... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Amandeep Soni, Advocate for the petitioners.
Mr. Sidakmeet Singh Sandhu, Asstt. A.G. Punjab.
Mr. Ankur Bansal, Advocate for respondent No.2.

JAISHREE THAKUR, J.(ORAL)

CRM-12915 of 2019

The miscellaneous application is allowed, documents
Annexure A-1 to A-4 are permitted to be taken on record.

CRM-39648 of 2018

For the reasons mentioned in the application, the application
is allowed. Requisite amendments are permitted to be carried out in the
petition. Amended petition is taken on record. Registry to do the
needful.

Main case

1. This is the petition that has been filed seeking quashing of
FIR No.20 dated 20.04.2015 registered under Section 406, 498-A, 506
IPC at Police Station Women Cell, District Jalandhar and all
consequential proceeding arising therefrom, on the basis of compromise.

2. Counsel for the petitioners herein would contend that the marriage was solemnized between petitioner No.1 and respondent No.2 in the year 2014 and out of this wedlock no child was born. However, on account of differences having arisen between the husband and wife, respondent No.2 got the case registered.

3. During the pendency of the proceedings, the matter was compromised between the parties and it was decided that the petition under Section 13-B of the Hindu Marriage Act would be filed which ultimately led to a divorce by mutual consent and the decree being passed. The complainant put in appearance on 06.08.2018 wherein she stated before the Court that she would not have any objection in case the FIR against the petitioners herein is quashed. Consequent to the statement, the parties were directed to appear before the trial Court to get their statements recorded to that effect.

4. The parties appeared before Judicial Magistrate First Class, Jalandhar and complainant got her statement recorded that she had effected the compromise with the accused out of her free will and that she would have no objection in case the FIR is quashed. She also admitted to having received the entire amount of permanent alimony, pas and future maintenance while stating that divorce has already been allowed under Section 13-B of the Hindu Marriage Act. The report of the Judicial Magistrate regarding the factum of the compromise is available on the record.

5. 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.

6. 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.20 dated 20.04.2015 registered under Section 406, 498-A, 506 IPC at Police Station Women Cell, District Jalandhar and all subsequent proceedings arising out of the same are quashed qua the petitioners herein, on the basis of compromise.

(JAISHREE THAKUR)
JUDGE

13.02.2020
raman

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

13.02.2020
Raman

[JAISHREE THAKUR]
JUDGE