

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

Crl. Misc. M 19920 of 2019 (O&M)
Date of decision: 2.3.2020

Satinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rohit Kaushik, Advocate
for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Ms. Ekta (Kalia) Arora, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 6 dated 25.8.2017 (Annexure P/1) registered under Sections 406, 498-A IPC at Police Station NRI, District SBS Nagar and all subsequent proceedings arising therefrom in view of the compromise.

In brief, the facts are that the marriage of the complainant was solemnized with petitioner No. 1 on 17.1.2009, as per Sikh rites at S.B.S. Nagar. Out of the said wedlock two daughters, namely Harneet Kaur Singh and Sirat Kaur Singh were born. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid FIR has been registered on the statement of complainant-Manjinder Kaur.

Now with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties and they have entered into a compromise.

Learned counsel for the petitioners submits that in pursuance of the compromise entered between the parties, a petition under Section 13-B of the Hindu Marriage Act, 1955 was filed for decree of divorce by mutual consent. It is further submitted that thereafter the parties got their statements recorded before the Principal Judge, Family Court, Shaheed Bhagat Singh Nagar in the first motion on 10.4.2019. It is further submitted that the respondent—complainant has received total amount of ₹18 lac as agreed between the parties towards past, present and future maintenance and now there is nothing to be paid by petitioner No. 1 to the respondent—complainant. So much so even statements of the parties have been recorded for the second motion on 15.2.2020 and continuance of the proceedings under the FIR would only be a sheer wastage of precious court time as the chances of the conviction of the petitioners herein are very bleak, in view of the fact that the matrimonial dispute has been amicably settled between the parties.

Learned counsel appearing on behalf of respondent No. 2 does not dispute the above factual position and submits that she has no objection in case the FIR is quashed.

Learned Deputy Advocate General, Punjab, also submits that in case the parties have indeed settled their matrimonial 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 also gone through the documents annexed with the petition as well as the statements recorded on the second motion and placed on record today in Court.

There is no dispute to the facts unfolded in the petition as well as submitted during the course of arguments. A perusal of the statement made by respondent No.2—complainant on the second motion would clearly reflect that she has already received ₹18 lac through demand draft of ₹ 9 lac each for herself and her minor children towards past, present and the future maintenance. She has further stated that she will not claim any maintenance either for herself or for her minor children in any court of law in future and will also have no right or interest in the property of petitioner No.1.

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 matrimonial 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 matrimonial dispute has been amicably settled and in view of the law laid 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. 6 dated 25.8.2017 (Annexure P/1) registered under Sections 406, 498-A IPC at

Police Station NRI, District SBS Nagar and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

2.3.2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No