

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

CRM-M- 54170-2019 (O&M)

Date of Decision : September 25, 2020

Jasbir Kaur and others

..... PETITIONER(S)

VERSUS

State of Punjab and another

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. S.K. Chaudhary, Advocate, for
Mr. Suresh Kumar Arya, Advocate, for the petitioners.
Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate General,
Punjab.

...

Sanjay Kumar, J.

CRM-23801-2020

This application is ordered and the hearing of the case is
advanced to today from 06.01.2021.

CRM-M- 54170-2020

The 2nd petitioner is the husband of the 2nd respondent. At her
behest, FIR No.146 dated 09.06.2019 was registered on the file of Police
Station Jandiala, District Amritsar Rural, under Sections 498-A, 406, 506
and 323 IPC. The 1st, 3rd, 4th, 5th and 6th petitioners are the family members
of the 2nd petitioner and they are arrayed, along with him, as the accused in

the said FIR. By way of this petition filed under Section 482 Cr.P.C., they

seek quashing of the subject FIR. The basis for their seeking this relief is the compromise deed dated 01.09.2019, whereby they claim to have settled all disputes with the complainant, the wife of the 2nd petitioner.

By order dated 18.12.2019, this Court directed the learned Illaqa Magistrate to examine all the parties and record their statements *qua* the factum of compromise. The learned Illaqa Magistrate was further directed to submit a report not only as regards the authenticity and genuineness of the compromise but also as to whether there was any other accused, other than the petitioners, and whether there was any other complainant or affected/aggrieved party, other than the 2nd respondent.

The learned Judicial Magistrate First Class, Amritsar, undertook the exercise in terms of the aforestated order and submitted her report stating to the effect that the parties had been examined and had satisfied the Court that they had arrived at an amicable settlement without any pressure, undue influence or coercion. The learned Magistrate further stated that only 6 persons, the petitioners herein, had been arrayed as the accused in the subject FIR and the 2nd respondent was the only victim/complainant therein.

In Gian Singh vs. State of Punjab and another [(2012) 10 SCC 303], the Supreme Court observed to the effect that in offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, the wrong is basically to the victim and if, in such cases, the offender and the victim settle all disputes between them amicably, the High Court may, within the framework of its inherent power, quash the proceedings if it is satisfied with the factum of such settlement.

The case on hand would be squarely covered by the aforestated observations. Further, in the light of the settlement arrived at by and between the parties and the report of the learned Magistrate, referred to *supra*, even if this case is taken to its logical conclusion, it would only be an exercise in futility as the parties have already settled their differences. Therefore, no purpose would be served in wasting the time and resources of the State in pursuing this case to its pre-ordained end. It would therefore be better to give a quietus to the issue at this stage.

The petition is allowed. FIR No.146 dated 09.06.2019 on the file of Police Station Jandiala, District Amritsar Rural, registered under Sections 498-A, 406, 506 and 323 IPC and all other proceedings relating thereto shall accordingly stand quashed.

September 25, 2020
Kang

(Sanjay Kumar)
Judge

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