

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

CRM-M No.2708 of 2021 (O&M)

Date of Decision:13.10.2021

(Heard through VC)

Yogesh Bhatia

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Tarundeep Kumar, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Kulwinder Singh, Advocate
for respondent No.2.

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JAISHREE THAKUR, J. (ORAL)

CRM No.20622 of 2021

Prayer in the application is for impleading Meenakshi daughter of Subhash Bhatia as petitioner No.2 in the petition for quashing of FIR No.28 dated 24.02.2020.

The petitioner-Yogesh Bhatia and the complainant had been relegated to have their statements recorded before the trial court/Illaq Magistrate with regard to genuineness of the compromise arrived at between them, however, at that relevant point of time accused No.2, who has now been sought to be impleaded as petitioner No.2, was not reflected as a party. The complainant at that point in time, while recording her statement had given no objection of having the FIR quashed against the petitioner herein as well as Meenakshi. Even the counsel appearing for the complainant before this Court has no objection in case Meenakshi is impleaded as

petitioner No.2 and the FIR is quashed qua her as well.

In view of the aforesaid circumstances, the application is allowed and the applicant-Meenakshi daughter of Subhash Bhatia is impleaded as petitioner No.2.

Amended memo of parties is taken on record.

CRM-M No.2708 of 2021

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.28 dated 24.02.2020 registered under Sections 420, 498-A Indian Penal Code at Police Station Garhshankar, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2).

2. The FIR has been registered on the statement of complainant on the allegations that the accused-petitioners harassed her on account of demand of dowry. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. 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 Sub Divisional Judicial Magistrate, Garhshankar stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer and learned counsel for the complainant-

respondent No.2 admit the factum of compromise. Learned counsel appearing for the respondent-State submits 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.

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

6. 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.

7. 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.28 dated 24.02.2020 registered under Sections 420, 498-A Indian Penal Code at Police Station Garhshankar, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioners.

October 13, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No