

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-16553 of 2014

.....

Date of decision:30.1.2015

Kamal Sohi

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Present: Mr. Aman Pal, Advocate for the petitioner.

Mr. Surinder Singh Pannu, Deputy Advocate General,
Haryana for the respondent-State.

Mr. Rajender Helwa, Advocate for complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.11 dated 9.2.3013 (Annexure-P.2) registered for the offences under Sections 406, 498-A, 323, 506 and 34 IPC at Police Station Jhansa, District Kurukshetra and all subsequent proceedings arising therefrom in view of the compromise dated 25.1.2014 (Annexure-P.3).

The marriage of the complainant was solemnized with petitioner Kamal Sohi on 12.2.2012 at Ismailabad as per Hindu rites and rituals. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the above said FIR has been registered on the statement of complainant-Nidhi Chahal against her

husband and other family members. However, the other family members of the petitioner named in the FIR have been found innocent after investigation and the challan has been filed against the petitioner only. Now with the intervention of relatives and respectable persons, the matrimonial dispute has been amicably compromised between the parties and they have entered into a compromise.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Chief Judicial Magistrate, Kurukshetra, has sent his report dated 15.1.2015 submitting 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, Haryana, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit 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 petitioner as well as learned Deputy Advocate General, Haryana and learned counsel for complainant-respondent No.2 and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between

[3]

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.

Therefore, keeping in view the fact that the matrimonial dispute has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.11 dated 9.2.3013 (Annexure-P.2) registered for the offences under Sections 406, 498-A, 323, 506 and 34 IPC at Police Station Jhansa, District Kurukshetra and all subsequent proceedings arising out of the same are hereby quashed.

January 30, 2015.

(Inderjit Singh)
Judge

hsp