

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-37002 of 2014

.....

Date of decision:20.1.2015

Anil Kumar and others

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Rakesh Dhiman, Advocate for the petitioners.

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

Ms. Savita Rana, Advocate for the complainant-
respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.598 dated 19.10.2012 (Annexure-P.1) registered for the offences under Sections 498-A, 323, 406, 506 and 34 IPC at Police Station City Gurgaon, District Gurgaon and all subsequent proceedings arising therefrom in view of the compromise dated 6.9.2014 (Annexure-P.2).

The marriage of petitioner No.1 Anil Kumar was solemnized with complainant-Seema on 5.12.2005 according to Hindu rites and ceremonies and one female child Akshita was born out of this wedlock. However, due to temperamental differences between the parties, matrimonial dispute arose and the above said FIR was registered for the

above mentioned offences against the petitioners. Now with the intervention of mediator in the Mediation and Conciliation Centre, the matrimonial dispute has amicably been resolved as husband and wife have decided to part ways by filing petition seeking divorce by mutual consent and compromise (Annexure-P.2) has been entered into between the parties.

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 Judicial Magistrate Ist Class, Gurgaon has sent his report dated 24.12.2014 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant Seema has stated that she has entered into compromise with accused persons and she does not wish to proceed further with the case. The compromise is voluntary and she has no objection if the FIR is quashed.

Learned Deputy Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for 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 petitioners 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 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 the law laid down in by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, wherein it has been held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable, this petition is allowed and FIR No.598 dated 19.10.2012 (Annexure-P.1) registered for the offences under Sections 498-A, 323, 406, 506 and 34 IPC at Police Station City Gurgaon, District Gurgaon and all subsequent proceedings arising out of the same are hereby quashed.

January 20, 2015.

(Inderjit Singh)
Judge

hsp