

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-40439 of 2014

.....

Date of decision:16.2.2015

Hem Raj and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

....

Present: Mr. Jasvinder Saini, Advocate for the petitioners.

Mr. Kapil Bansal, Deputy Advocate General, Haryana for the
respondent-State.

None for complainant-respondents No.2 and 3.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.109 dated 17.4.2012 (Annexure-P.1) registered for the offences under Sections 406, 498-A, 323 and 506 IPC at Police Station Nissing, District Karnal and all subsequent proceedings arising therefrom in view of the compromise dated 11.6.2014 (Annexure-P.2).

The marriage of the complainant was solemnized with petitioner No.1 Hem Raj on 7.2.2010 according to Hindu rites and ceremonies at Village Jalala Viran. 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-Rekha Rani against her husband and other family members. Now with the intervention of 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 Judicial Magistrate Ist Class, Karnal, has sent his two reports dated 5.1.2015 and 7.2.2015 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 admits the factum of compromise and 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 petitioners as well as learned Deputy Advocate General, Haryana 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 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.109 dated 17.4.2012 (Annexure-P.1) registered for the offences under Sections 406, 498-A, 323 and 506 IPC at Police Station Nissing, District Karnal and all subsequent proceedings arising out of the same are hereby quashed.

February 16, 2015.

(Inderjit Singh)
Judge

hsp