

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-10976 of 2016 (O&M)

.....

Date of decision:5.10.2016

Vineet and another

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.S. Sangwan, Advocate for the petitioners.

Mr. Brijesh Sharma, Assistant Advocate General, Haryana for
the respondent-State.

Mr. Ashok Kr. Sharma, 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.296 dated 17.5.2014 (Annexure-P.1) registered for
the offences under Sections 406, 498-A and 323 IPC at Police Station City
Bhiwani, District Bhiwani and all subsequent proceedings arising therefrom
in view of the compromise/divorce petition (Annexure-P.2).

The marriage of the complainant was solemnized with
petitioner No.1 Vineet on 5.12.2013 at Bhiwani. 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-Gunjan against her husband and other family member. 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, Bhiwani, has sent his report dated 22.8.2016 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 Assistant 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 petitioners as well as learned Assistant 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 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.296 dated 17.5.2014 (Annexure-P.1) registered for the offences under Sections 406, 498-A and 323 IPC at Police Station City Bhiwani, District Bhiwani and all subsequent proceedings arising out of the same are hereby quashed.

October 5, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No