

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

Crl. Misc. No.M-10953 of 2015
Date of Decision: 22.03.2016

Narender Kumar @ Narender Dahiya and othersPetitioners

Versus

State of Haryana and anotherRespondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Akashdeep Singh, Advocate
for the petitioners.

Mr. B.S. Virk, D.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No.223 dated 13.11.2014 registered under Sections 406/498-A/323 and 506 IPC at Police Station Pinjore, District Panchkula along with all consequential proceedings arising therefrom, on the basis of compromise.

Petitioners, in the present petition, are husband, father-in-law and mother-in-law, respectively of the complainant-respondent No.2. The marriage between petitioner No.1 and respondent No.2 was solemnized on 28.11.2012. A daughter was born out of the said wedlock on 29.11.2013. Due to temperamental differences, the dispute arose between the parties. However, on the basis of complaint made by respondent No.2, the FIR, in question, was registered against the petitioners. With the intervention of respectables of the society, a compromise was arrived at between the parties and they have decided to part ways peacefully. A compromise was reduced into writing on 25.02.2015, which is annexed as Annexure P-2 with the petition. As per terms and conditions of the compromise, an amount of

₹ 4 lacs was to be given to the complainant and out of the settled amount, a sum of ₹ 2 lacs was to be given at the time of filing petition under Section 13-B of the Hindu Marriage Act, which has already been paid on 24.02.2015. Both the parties have filed a petition under Section 13-B of the Hindu Marriage Act and first motion statement has also been recorded. The custody of minor girl child was to be handed over to petitioner No.1. Thereafter, the present petition has been filed for quashing of FIR, in question, on the basis of compromise.

Notice of motion in the case was issued on 07.04.2015 and thereafter, as per directions issued by this Court on 05.01.2016, the statements of the parties were recorded. The compromise and the statements recorded before the lower Court was as per free will and without any pressure from either side as mentioned in the report sent by Sub Divisional Judicial Magistrate, Kalka. Complainant-respondent No.2 has also affirmed the factum of compromise. She has specifically stated in her statement that she has no objection in quashing of FIR as well as other proceedings arising therefrom.

Since the dispute between the parties has been settled by way of compromise, the complainant is satisfied with the compromise and she has no objection in quashing of the FIR and moreover, no purpose would be served, in case, the proceedings are allowed to be continued, the ultimate result would be acquittal as the complainant is not going to support the case of the prosecution. The continuation of the proceedings would be an exercise in futility and will not only be the wastage of valuable time of the Court but it would also not be in the interest of both the parties.

Accordingly, the present petition is allowed and FIR No.223 dated 13.11.2014 registered under Sections 406, 498-A, 323 and 506 IPC at Police Station Pinjore, District Panchkula along with all consequential

proceedings arising therefrom, qua petitioners-Narender Kumar
@ Narender Dahiya, Bhagat Ram and Bhateri are hereby quashed.

22.03.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE