

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc. M 11996 of 2017 (O&M)
Date of decision: 25.9.2017

Anil Kumar Kommajousla @ K. Anil Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ankur Gupta, Advocate, for
Mr. Ashish Chaudhary, Advocate,
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana,

Mr. Sanjeev Sahay, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 79 dated 11.5.2016 (Annexure P/1) registered under Sections 498-A and 406 IPC at Women Police Station Gurgaon, and all subsequent proceedings arising therefrom on the basis of a settlement that has been entered between the parties on 18.11.2016 (Annexure P/3).

Pursuant to the aforesaid settlement arrived at between the parties, a petition under Section 13-B of the Hindu Marriage Act (for short '**the Act**') was preferred, in which the first motion was recorded. However,

the second statement could not be recorded on account of the fact that the petitioner-husband first wanted quashing of the FIR before he could record his second statement. By order dated 4.9.2017, the parties were directed to appear before the Family Court on 18.9.2017 to make statement on the petition under Section 13-B of the Act and accordingly the second statement has been recorded. The matter is now pending for final order on the divorce petition that has been filed under Section 13-B of the Hindu Marriage Act.

In view of the above, this Court is of the opinion that since the matter has been settled between the parties and only a formal order on the petition under Section 13-B of the Act is to be passed, no useful purpose would be served to continue with the proceedings.

Otherwise also, in a decision, based on compromise, none of the parties is a loser. Rather, a 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.

Consequently, keeping in view the fact that matrimonial dispute has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No. 79 dated 11.5.2016 (Annexure P/1) registered under Sections 498-A and 406 IPC at Women Police Station Gurgaon, and all subsequent proceedings arising therefrom

are quashed.

The petition stands disposed of.

25.9.2017

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No