

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

Crl. Misc. No.34945 of 2017 in/and
Crl. Misc. M-30678 of 2014 (O&M)
Date of Decision: November 03, 2017

Vishwajeet Phaugat and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Heman Aggarwal, Advocate
for the petitioners.

Mr. P.P. Chahar, DAG Haryana.

Ms. Sonia G. Singh, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

Crl. Misc. No.34945 of 2017

Statements of the parties recorded before JMIC Panipat and
order dated 07.10.2017 are taken on record as Annexures P3 to P5.

Application stands allowed, subject to all just exceptions.

Main case

This petition has been filed under Section 482 of the Code of
Criminal Procedure seeking quashing of FIR No.995 dated 02.09.2013
registered under Section 31 of Protection of Women from Domestic
Violence Act at Police Station City Panipat (Annexure P/1) and all
subsequent proceedings arising therefrom.

During the pendency of this matter in this court, the parties

have reached an amicable solution and have entered into a compromise thereto. The parties have appeared before the JMIC Panipat on 07.10.2017, in which they have stated that they have resolved their differences. In her said statement recorded before the JMIC Panipat, complainant-Vishwendu Phogat has mentioned that for the sake of her elders, she wants to take back all the cases filed by her against the petitioners herein and would cooperate in the case, in which quashing is to be got done. By noting their statements, the JMIC Panipat consigned the file pertaining to the proceedings under the Protection of Women from Domestic Violence Act to the record room.

Learned counsel appearing on behalf of the petitioners as well as learned counsel for the complainant stated at bar that since the parties have amicably settled their dispute, it would in the interest of justice to quash the FIR.

Learned Deputy Advocate General, Haryana, submits that in case the parties have indeed settled their 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 parties and have gone through the record.

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 dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate

conviction are bleak.

Consequently, keeping in view the facts that the parties have settled their dispute amicably and that the proceedings under the Protection of Women from Domestic Violence Act stands consigned, therefore, in view of the law laid down 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.995 dated 02.09.2013 registered under Section 31 of Protection of Women from Domestic Violence Act at Police Station City Panipat and all subsequent proceedings arising out of the same are quashed.

It is pertinent to note here that in terms of the compromise, certain properties are to be exchanged between the parties. Therefore, while disposing of this petition, it is directed that the parties are bound by the terms and conditions of the compromise that they have entered into, failing which the parties would be at liberty to revive the proceedings in case, the terms and conditions are adhered to.

The petition stands disposed of.

November 03, 2017

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No