

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

CRM-M-33449-2017

Date of decision: 19.09.2017

Prithvi Pal Singh and others

...Petitioners

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vivek Salathia, Advocate
for the petitioners.

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

Mr. Vivek Suri, Advocate
for the complainant-respondent No.2.

JAISHREE THAKUR, J. (Oral)

On 08.09.2017, this Court was pleased to pass the following
order :-

“Mr. Vivek Suri, Advocate, puts in appearance on behalf of
respondent No.2 on his own and files the power of attorney, which is taken
on record.

This is a petition for quashing of FIR No.538 dated 03.10.2015,
registered under Sections 406, 498-A, 506, 34 of Indian Penal Code at
Police Station Rohtak Civil Lines, on the ground that the matter has been
settled between the parties.

It is argued that the matter was in fact referred to the Mediation
Center of this court and the terms of the compromise arrived at were
recorded in the settlement which was entered into on 08.08.2017. In terms
of the said compromise, a total sum of Rs.20 lacs was to be paid and out of
which Rs.6 lacs has already been paid by way of demand draft in favour of
the complainant on 10.08.2017. Today, in terms of the said compromise, a
sum of Rs.7 lacs by way of demand draft No.629440 dated 06.09.2017 has
been handed over to counsel for the complainant and a photocopy of the
same has been retained on the court file. The third and final amount was to
be paid by way of bank draft/demand draft, at the time of recording of the
statement before the Judicial Magistrate Ist Class, Rohtak.

This court is of the opinion that since a settlement has been arrived at between the parties at Mediation Center, which is duly countersigned by counsel appearing on behalf of the parties, there would be no requirement for referring the matter to the Judicial Magistrate Ist Class, Rohtak, in the instant case for recording of statements of the parties. Let a sum of Rs.7 lacs be brought in the court on the next date of hearing.

Adjourned to 19.09.2017.”

In terms of the compromise and in compliance with the order dated 08.09.2017, for the balance amount of Rs. 7 lacs a demand draft has been got prepared in favour of the complainant-Sonika Singh and the same has been handed over to Mr. Vivek Suri, learned counsel appearing on behalf of the complainant-respondent No.2, who was also present during the mediation proceedings.

Learned DAG, Haryana and learned counsel for respondent No. 2 admits the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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 rival parties and 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 fact that the dispute has

been amicably settled and 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.538 dated 03.10.2015, registered under Sections 406, 498-A, 506, 34 of Indian Penal Code at Police Station Rohtak Civil Lines and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

19.09.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No