

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

**CRM-M-38597-2017
Date of Decision: 12.10.2017**

Natwar Lal

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajesh Gupta, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Sachin Gupta, Advocate
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 0075 dated 13.03.2015, under Sections 323, 406, 498-A and 506 of the IPC, registered at Police Station Hansi Sadar, District Hisar and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2) entered into between the parties.

In brief, the facts are that a marriage was solemnized between the petitioner herein and respondent No. 2/complainant on 18.07.2013 as per Hindu rites and rituals. However, on account of some differences that arose between the parties, respondent No. 2 got an FIR registered under the

aforesaid sections. However, on the intervention of respectable persons and family members, a compromise was arrived at between the parties, wherein, it was agreed that a petition under Section 13-B of the Hindu Marriage Act would be filed in the Family Court at Hisar and the petitioner would pay a sum of Rs. 3,70,000/- to respondent No. 2 herein as full and final settlement of all claims. After compromise, the parties appeared before the Family Court at Hisar and filed a petition under Section 13-B of the Hindu Marriage Act for dissolution of their marriage which petition was allowed on 18.07.2017. In terms of the compromise, respondent No. 2/complainant has already received a sum of Rs. 3,70,000/- from the petitioner towards her permanent alimony. Thereafter, the instant petition has been filed for quashing of the FIR in question.

Notice of motion.

On the asking of the Court, Ms. Gaganpreet Kaur, AAG, Haryana, who is present in Court, accepts notice on behalf of respondent No. 1-State. Let a copy of the paper book be supplied to him during the course of the day.

At this stage, respondent No. 2 Sneh Lata puts in appearance through her counsel Mr. Sachin Gupta, Advocate, who has filed his *Vakalatnama* on behalf of respondent No. 2/complainant.

Counsel for respondent No. 2 also filed reply to the petition, wherein, it is submitted that respondent No. 2 would have no objection if the FIR in question is quashed on the basis of the compromise. The reply is taken on record.

In normal proceedings, the matter would have been sent to the

Illaq Magistrate/District Court for recording of the statements of the parties regarding the genuineness of the compromise. However, in the instant case, a decree of divorce has already been obtained between the parties under Section 13-B of the Hindu Marriage Act and a statement has been made by respondent No. 2/complainant that she has already received a sum of Rs. 3,70,000/- in terms of the compromise. Even today, an affidavit has been furnished in Court, wherein, respondent No. 2/complainant submits that the matter has been compromised and she has received full and final settlement in terms of the compromise and she would have no objection to the quashing of the FIR.

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 *Narinder Singh & others vs. State of Punjab & another, (2014) 6 SCC 466*, this petition is allowed and FIR No. 0075 dated 13.03.2015, under Sections 323, 406, 498-A and 506 of the IPC, registered at Police Station Hansi Sadar, District Hisar and all subsequent proceedings arising

out of the same are quashed qua the petitioner.

The petition stands disposed of.

12.10.2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No