

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-38796 of 2017

.....

Date of decision:14.11.2017

Rajinder Madiya and others

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mrs. Sonia G. Singh, Advocate for the petitioners.

Mr. B.S. Virk, Deputy Advocate General, Haryana for
the respondent-State.

Mr. Deepak Sabharwal, Advocate for complainant-respondent
No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.103 dated 14.7.2015 (Annexure-P.2) registered for the offence under Section 436 IPC at Police Station Kalka, District Panchkula and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.6).

The FIR has been registered on the statement of complainant-Kamal Sharma on the allegations that there was matrimonial dispute between the daughter of the petitioners No.1 and 2 and the son of the complainant and the daughter of the petitioners No.1 and 2 had lodged FIR

against them under Section 498-A, 506 and 34 IPC and under Section 66 of the Information Technology Act. Thereafter, the complainant lodged FIR against the petitioners that they had put his house on fire in which kitchen along with two bedrooms and drawing room were ruined with the fire and all the household articles alongwith clothes, sofa-bed, almirah and the doors and windows were burnt up. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Kalka has sent report dated 7.11.2017 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Deputy Advocate General, Haryana, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit 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 as well as learned State counsel and have gone through the record.

In a decision, based on compromise, none of the parties is a

loser. Rather, 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.

Therefore, keeping in view the fact that the matter has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.103 dated 14.7.2015 (Annexure-P.2) registered for the offence under Section 436 IPC at Police Station Kalka, District Panchkula and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

November 14, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No