

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

CRM-M-40784 -2017
Date of decision: 31.10.2017

Ashok Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.S. Gopera, Advocate,
for the petitioners.

JAISHREE THAKUR, J.(ORAL)

This is a petition that has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 8 dated 05.09.2015, under Sections 34, 498-A, 323, 506 IPC, registered at Women Police Station, Bhiwani, District Bhiwani (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

In brief, the facts of the case are that a marriage took place between Ashok Kumar-petitioner No.1 and Pooja-respondent No.3 on 13.11.2013. A matrimonial discord arose between the parties, which led to the registration of the aforementioned FIR. The petitioners herein approached this Court by way of **CRM-M-28097-2016** under Section 482 Cr.P.C. praying for issuance of a direction to the official respondents not to harass and humiliate the petitioners under the said FIR. It was argued that, in any case, the matter stood compromised between the parties and this

Court directed the parties to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the genuineness of the compromise. Pursuant to the orders passed, the parties appeared before the Judicial Magistrate Ist Class, Bhiwani which in turn furnished the report that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one. This Court while noting that the matter had been compromised between the parties and they were residing together, the miscellaneous petition was disposed of as having been rendered infructuous by order dated 12.10.2017. Today this matter is taken up for quashing of the aforementioned FIR.

Learned counsel for the petitioners contends that the matter has been compromised and the parties are residing together and, therefore, no useful purpose would be served in continuing the proceedings under the said FIR.

Issue notice to respondent Nos. 1 & 2 as well as respondent No.3.

Mr. Suringer Gaur, Advocate has caused appearance on behalf of respondent No.3 and filed vakalatnama.

Mr. P.P. Chahar, learned DAG, Haryana, who is present in the Court, is directed to accept notice on behalf of respondent Nos. 1 & 2. Let three copies of the petition be served upon him during the course of the day.

Learned counsel for the petitioners as well as respondent No.3 urge this Court that since the matter has been compromised and the statements have already been recorded, the FIR should be quashed.

Mr.P.P. Chahar, DAG, learned, DAG, Haryana, after having perused the copy of the complaint and submit that in case the parties have indeed settled their dispute, he 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. 8 dated 05.09.2015, under Sections 34, 498-A, 323, 506 IPC, registered at Women Police Station Bhiwani, District Bhiwani (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

31.10.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No