

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

Crl. Misc. M-44968 of 2016 (O&M)
Date of Decision: November 03, 2017

Navdeep Agnihotri

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.K. Aggarwal, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG Haryana.

Mr. Sandeep Berwal, Advocate
for complainant-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.115 dated 12.08.2016 registered under Sections 376, 406 of Indian Penal Code and Section 3 of Dowry Prohibition Act (charge-sheet filed under Section 406 of IPC and Section 3 of Dowry Prohibition Act) at Police Station Women, Sector 16, Faridabad (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/3).

The FIR has been registered on the statement of complainant-Isha on the allegations that after her engagement, accused-petitioner stated demanding Rs.50 lacs for flat and a big car as dowry. 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 the Illaqua Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate First Class at Faridabad, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned counsel for the petitioner as well as counsel for complainant-respondent No.2 stated that though initially the FIR in question had been registered under Sections 376, 406 of Indian Penal Code and Section 3 of Dowry Prohibition Act, however, the charge-sheet was presented only under Section 406 of Indian Penal Code and Section 3 of Dowry Prohibition Act and Section 376 of Indian Penal Code was deleted.

Learned Deputy Advocate General, Haryana, on instructions from the Investigating Officer, admits the factum of compromise and submits that while filing the charge-sheet, Section 376 of Indian Penal Code was deleted. It is stated 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 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.115 dated 12.08.2016 registered under Sections 376, 406 of Indian Penal Code and Section 3 of Dowry Prohibition Act (charge-sheet filed under Section 406 of IPC and Section 3 of Dowry Prohibition Act) at Police Station Women, Sector 16, Faridabad and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

November 03, 2017

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No