

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

CRM-M-46935-2017

Date of decision: 18.12.2017

Bhupinder Singh and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sehaj Bir Singh, Advocate,
for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab.

Mr. Ramandeep Singh, Advocate,
for the complainant-respondent No.4.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for quashing of FIR No. 126 dated 28.02.2013 under Sections 498-A/406/506/34 IPC, registered at Police Station Civil Lines, Gurugram (Annexure P-1) on the basis of a compromise/settlement arrived at between the parties in the Mediation and Conciliation Centre of this Court dated 06.11.2017 (Annexure P-6).

Before parting with the judgment, few facts needs to be noticed in this petition. Petitioner No.1- Bhupinder Singh son of petitioner Nos. 2 & 3, namely, Kharag Singh and Bitta Devi, solemnized a marriage with Monika Raghav-respondent No.2. Out of this wedlock a male child, namely, Karan was born. On account of matrimonial discord that arose between the parties, the above referred FIR was registered.

During trial before the Addl. Sessions Judge, Gurugram, petitioner Nos. 2 & 3 were discharged by order dated 07.02.2014. Against which order, a petition i.e. **CRM-M-26819-2014** was filed by the complainant and another petition i.e. **CRM-M-25219-2014** by the respondent State. In the proceedings in **CRM-M-26819-2014** and **CRM-M-25219-2014** challenging the discharge order, this Court referred the matter to the Mediation and Conciliation Centre of this Court for an amicable settlement to the matrimonial dispute that had arisen between petitioner No.1 Bhupinder Singh husband and Monika Raghav-respondent No.2 wife. The matter was settled in the Mediation and Conciliation Centre of this Court through petitioner No.2 i.e. father of petitioner No.1, and the complainant-respondent No.2 along with her father by a settlement/agreement dated 06.11.2017 which is annexed with this petition as Annexure P-6. In terms of the said settlement arrived at between the parties, the parties have decided to part their ways by mutual divorce under Section 13-B of the Hindu Marriage Act. It was also agreed that a sum of Rupees sixty lacs would be paid as full and final settlement of alimony for past, present and future maintenance for both the complainant and the minor child Karan. A sum of ₹ 20,00000/- (Rs. Twenty Lacs) had been paid by way of a demand draft in the name of the complainant Monika Raghav on the last date of hearing. Today another sum of ₹ 20,00000/- (Rs. Twenty Lacs) has been handed over to the father of the complainant by way of a demand draft in the name of the complainant Monika Raghav as second installment. The balance amount i.e. the third installment of ₹ 20,00000/- (Rs. Twenty Lacs) is to be made in the shape of fixed deposit in the name of minor son namely Karan on the date a

decree of divorce under Section 13-B of the Hindu Marriage Act is to be obtained.

Mr.P.P. Chahar, learned DAG, Haryana, on instructions from the Investigating Officer and learned counsel for the respondent No. 2 admit 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 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 that too before the Mediation and Conciliation Centre of this Court, 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. 126 dated 28.02.2013 under Sections 498-A/406/506/34 IPC, registered at Police Station Civil Lines, Gurugram (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

Since the part of the compromise is still to be complied with i.e.

petition under Section 13-B of the Hindu Marriage Act has to be filed, let the same be filed within a period of three months as on date. On filing of the said petition under Section 13-B of the Hindu Marriage Act, the petitioners are at liberty to rely upon the judgment rendered by Hon'ble Supreme Court in *Amardeep Singh vs. Harveen Kaur, 2017 SCC Online SC 1073* wherein six months' mandatory period can be waived off subject to the condition that the third installment of ₹ 20,00000/- (Rs. Twenty Lacs) is handed over on that date in the shape of fixed deposit in the name of minor son namely Karan.

Both the parties are bound to give due effect to the compromise that has been arrived at. In case, terms of the compromise are not adhered to by any of the parties, they are at liberty to approach this Court for appropriate relief and seek to have all proceedings revived.

The petition stands disposed of.

18.12.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.