

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

**CRM-M-5145-2017 (O&M)
Date of Decision: 14.07.2017**

Surender Mehta & Others

...Petitioners

Versus

State of Haryana & Another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B. S. Walia, Advocate,
for the applicants-petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. M. K. Bhatnagar, Advocate for
Ms. Mansi Bansal, Advocate,
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

CRM-20961-2017

This is an application, filed under Section 482 Cr.P.C., seeking permission to add words 'later on added Section 307 IPC' after the words 'Sections 323/34/376(2)(n), 498-A/506 IPC' wherever they occur in the petition.

For the reasons mentioned in the application, the same is allowed. The words 'Sections 323/34/376(2)(n), 498-A/506 IPC' be replaced with the words 'Sections 323/34/376(2)(n), 498-A/506 IPC, later on added Section 307 IPC' in the petition.

CRM-M-5145-2017

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 99 dated 15.12.2016, registered under Sections 323/34/376(2)(n), 498-A/506 and 307 (added later on) of the IPC, at Women Police Station, Fatehabad and all subsequent

proceedings arising therefrom in view of the compromise (**Annexure P-2**) entered into between the parties.

The marriage of the complainant was solemnized on 29.01.2012 with petitioner No. 2-Lalit, as per Hindu rites and rituals. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid FIR has been registered on the statement of complainant/respondent No. 2-Nisha. Now with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties and they have entered into a compromise.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Chief Judicial Magistrate, Fatehabad, stating 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. It is also reported that no criminal case or PO proceeding is pending against either of the parties.

Learned Assistant Advocate General, Haryana on instructions from the Investigating Officer and learned counsel for respondent No. 2-complainant 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 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. 99 dated 15.12.2016, registered under Sections 323/34/376(2)(n), 498-A/506 and 307 (added later on) of the IPC, at Women Police Station, Fatehabad and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

July 14, 2017

Ansari

**(JAISHREE THAKUR)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*