

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

**CRM-M-8722-2017
Date of Decision: 20.11.2017**

Om Parkash

...Petitioners

Versus

State of Haryana & another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S. S. Gill, Advocate
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

Mr. R. S. Tacoria, Advocate
for respondent No. 2/complainant.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of Criminal Complaint No. 338 of 2011 (RBT-SC-48/01.03.2016/10.02.2016), under Sections 493 and 376 of the IPC and chargesheet dated 10.03.2016 under Section 493 and 376-B of the IPC, pending in the Court of Additional Sessions Judge, Jahjjar and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

The aforesaid complaint was lodged at the behest of respondent No. 2/complainant who is the wife of the petitioner herein. However, later on, with the intervention of respectable persons, the dispute has been amicably settled between the parties and they have entered into a

compromise. In fact, the parties are stated to be residing together as husband and wife along with their minor daughters.

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 Additional Sessions Judge, Jhajjar 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.

Mr. P. P. Chahar, DAG, Haryana and learned counsel for respondent No. 2 admit to 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 *Narinder Singh & others vs. State of Punjab & another, (2014) 6*

SCC 466, this petition is allowed and Criminal Complaint No. 338 of 2011 (RBT-SC-48/01.03.2016/10.02.2016), under Sections 493 and 376 of the IPC and chargesheet dated 10.03.2016 under Section 493 and 376-B of the IPC, pending in the Court of Additional Sessions Judge, Jahjjar and all subsequent proceedings arising out of the same are quashed qua the petitioner herein.

The petition stands disposed of.

20.11.2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No