

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

1

CRM-M-10355-2017(O&M)
Date of Decision: May 23, 2018

Kapil Khanna

...Petitioner

Versus

State of Haryana and another

...Respondents

2

CRM-M-1939-2018(O&M)

Amit Khanna

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. N.S. Khera, Advocate
for the petitioner(s).

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

Mr. Shakti Paul Sharma, Advocate,
for respondent No.2

JAISHREE THAKUR, J. (Oral)

This order will dispose of above mentioned two Criminal Miscellaneous Petitions, which have been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 33 dated 13.06.2016 registered under Sections 120-B, 313, 323, 342, 345, 406, 498-A, 506 of Indian Penal Code at Women Police Station, Panchkula and

all subsequent proceedings arising therefrom in view of the compromise.

In brief, the facts are that, a marriage was solemnized between Amit Khanna and Shivani Khanna on 07.12.2009 at Jammu according to Hindu tradition, out of the wedlock a child namely, Reah Khanna, was born on 11.08.2011. On account of marital discord, the aforesaid FIR came to be registered. However, during the proceedings under Section 438 Cr.P.C. pending in the High Court, the matter was referred to the Mediation and Conciliation Centre of this Court, which has been successful. A settlement has been effected between the parties and they have decided to part ways and file a petition under Section 13-B of Hindu Marriage Act. There are other terms and conditions in the settlement deed as per which a sum of ₹9 lacs has to be paid to the complainant and the minor child, as full and final settlement of permanent alimony and maintenance (past, present and future) which has since been paid. The mutual consent divorce also been obtained in terms of the compromise arrived at.

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, these petitions are allowed and FIR No. 33 dated 13.06.2016 registered under Sections 120-B, 313, 323, 342, 345, 406, 498-A, 506 of Indian Penal Code at Women Police Station Panchkula and all subsequent proceedings arising out of the same are quashed qua the petitioner(s).

The petitions stand disposed of.

May 23, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No