

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

CRM-M-16446-2018 (O&M)

Date of decision: 06.08.2018

Mohammad Asif Shah

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. J.P. Sharma, Advocate, for
Mr. Anil Kumar Sharma, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Anoop Kumar Yadav, Advocate,
for 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.271 dated 01.09.2017, registered under Sections 120-B, 323, 34, 342, 363, 366, 406, 498, 506 of the Indian Penal Code at Police Station City Rewari, District Rewari (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

The marriage of the petitioner was solemnized with respondent No.2 in July 2014 as per Muslim rites and ceremonies. However, due to temperamental differences between the husband and wife, matrimonial

dispute arose and the aforesaid FIR has been registered on the statement of respondent No.2. However, now with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties. A settlement /agreement has been entered into between the parties, a copy thereof is annexed with the petition.

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 the Chief Judicial Magistrate, Rewari, 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.

Ms. Priyanka Sadar, learned AAG, Haryana, on instructions from the Investigating Officer, 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 FIR No.271 dated 01.09.2017, registered under Sections 120-B, 323, 34, 342, 363, 366, 406, 498, 506 of the Indian Penal Code at Police Station City Rewari, District Rewari (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

06.08.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.