

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

Crl. Misc. M-21278 of 2017 (O&M)
Date of Decision: January 23, 2018

Shubham Thakral and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Samir Rathaur, Advocate
for the petitioners.

Mr. P.P. Chahar, DAG Haryana.

Mr. Anurag Jain, Advocate
for complainant/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.290 dated 25.03.2017, registered under Sections 498-A, 323, 506, 34, 406, 328 of Indian Penal Code at Police Station Civil Lines Hisar, Haryana (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant-Neha Thakral on the allegations that after her marriage, the accused-petitioners started harassing her for the demand of dowry. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and

differences vide compromise deed Annexure P/2. As per the compromise, petitioner No.1 has agreed to pay a sum of Rs.55 lakhs to complainant/respondent No.2. Out of the said amount, Rs.10 lakhs had been paid at the time of compromise and an amount of Rs.18 lakhs was to be paid at the time of recording of first statement and the balance amount of Rs.27 lakhs was to be paid at the time of recording of second statement under Section 13-B of Hindu Marriage Act. It was also agreed between the parties that complainant/respondent No.2 would be no objection in quashing of FIR No.290 dated 25.03.2017, under Sections 498-A, 323, 506, 34, 406, 328 of Indian Penal Code, registered at Police Station Civil Lines Hisar, Haryana.

Respondent No.1-State has also filed reply to this petition, by way of affidavit of Mohd. Jamal, HPS, DSP Headquarters, Hisar, in which it is stated that apart from complainant, her father, mother and brother have also submitted affidavit to the effect that the matter stands compromised. Besides the affidavit, the complainant also got recorded her statement to the Investigating Officer on 09.06.2017 that she has compromised the matter for a total sum of Rs.55 lakhs and have no objection if the instant FIR is quashed before finalization of the divorce.

Today, learned counsel for the parties submit that pursuant to the compromise arrived at between the parties, their marriage has been dissolved by a decree of divorce by way of mutual consent under Section 13-B of Hindu Marriage Act by the court of Sh. Jasbir Singh, District Judge, Additional Family Court, Hisar. In the said decree, it is noticed by the learned Judge that as per joint statement of the parties recorded, everything has been settled between the parties in full and final settlement of Rs.55

lakhs and there is no claim left between them towards future maintenance, alimony or any right in the property.

Keeping in the submissions made by learned counsel for the petitioners as well as counsel for complainant/respondent No.2 and the reply furnished by the respondent-State and further after going through the decree of divorce dated 16.01.2018, this court is of the considered view that the compromise arrived at between the parties is genuine one and all the terms of the compromise have been acted upon except for the quashing of the instant FIR.

Learned State counsel, on instructions from the Investigating Officer admits to the factum of compromise and submits that in case the parties have indeed settled their dispute, the State 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 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, this petition is allowed and FIR No.290 dated 25.03.2017, registered under Sections 498-A, 323, 506, 34, 406, 328 of Indian Penal Code at Police Station Civil Lines Hisar, Haryana and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

January 23, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No