

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

Crl. Misc. M- 22696 of 2017 (O&M)

Date of Decision: 17.04.2018

Harpreet Singh Bhullar and another

..... Petitioners

versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Nippun Sharma, Advocate
for the petitioners.

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

Mr. Nihul Pratap Singh, 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.138 dated 22.07.2016 (Annexure P/1), registered under Sections 498-A, 406 read with Section 34 of Indian Penal Code at Women Police Station, Gurgaon and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The FIR has been registered on the statement of complainant- Aparna Malik on the allegations that she had been married to petitioner No.1 on 06.03.2011 according to Hindu rites and ceremonies at Gurgaon. It was a love marriage as both, the complainant and petitioner No.1 used to work in the same telecom company. The family of the complainant was opposed to their marriage but had to bend down to her wishes. It was second marriage of petitioner No.1 as he had divorced his first wife. There is no issue out of

the wedlock. The petitioners did not treat the complainant well and used to torture her mentally and physically on account of bringing less dowry. Petitioner No.2 always used to instigate petitioner No.1 for quarrelling with the complainant even on petty matters. Petitioner No.2 used to demand money from the complainant even for the household expenses. When the husband and wife shifted to Chennai for their job, petitioner No.2 accompanied them and the same tantrums started there also. After some time petitioner No.1 got another job offer with handsome package but with the condition that the other spouse could not work in telecom sector and she had to sacrifice her career and resigned from her job. After some time the couple migrated to Mauritius on account of job of petitioner No.1 but there too the same treatment continued to be meted out to the complainant. All her jewellery items were retained by petitioner No.2 before the petitioner No.1 and respondent No.2 left for Mauritius. There petitioner No.1 developed relations with some other woman and one day respondent No.2-complainant caught them red handed which enraged petitioner No.1 and he pushed the respondent-complainant several times causing bruises on her arms. This incident was reported to the police in Mauritius who tried their level best to get the matter resolved between the husband and wife but the husband i.e. petitioner No.1 refused to live with wife-respondent No.2-complainant any more. He stopped even providing financial help to the complainant which forced her to leave Mauritius and lodged the present FIR.

The matter was referred to the Mediation and Conciliation Centre of this Court and the same has been settled amicably and the compromise/settlement had been reduced into writing on 29.3.2017 which is annexed as Annexure P-2. As per the settlement, an amount of Rs. 20 lacs

was to be paid to the complainant on or before 21.4.2017 at the time of making first statement in the first motion of joint petition for mutual divorce under Section 13-B of the Hindu Marriage Act, 1955 on 5.4.2017. As per the second condition, petitioner No.1 had to pay another instalment of Rs. 20 lacs at the time of making first statement in the quashing petition filed by respondent No.2-complainant for quashing the FIR in question on or before 30.06.2017. The respondent No.2 was to be paid another instalment of Rs. 23 lacs at the time of making final statement before the learned Family Court, Gurugram and the final instalment of Rs. 23 lacs was to be paid by petitioner No.1 to respondent No.2 at the time of making final statement at the time of quashing the present FIR. In terms of the settlement, a decree of divorce has already been granted by the Family Court at Gurugram on 08.11.2017.

In pursuance of order dated 14.03.2018 parties are present in Court and petitioner No.1 has brought a demand draft of Rs. 23 lacs in the name of the complainant. The same has been handed over to her through her counsel. A photocopy of the same has been placed on record as Mark PX.

Learned counsel for the parties are ad idem that instead of sending the parties before the trial Court for getting their statements recorded there, it would be in the fitness of things if the FIR is quashed on the basis of settlement arrived at before the Mediation and Conciliation Centre of this Court.

Learned Deputy Advocate General, Haryana, on instructions from Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit 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 (Crl.) 543, this petition is allowed and FIR No.138 dated 22.07.2016 (Annexure P/1), registered under Sections 498-A, 406 read with Section 34 of Indian Penal Code at Women Police Station, Gurgaon and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

17.04.2018
sunita

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No