

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

CRM-M-24393-2017 (O&M)

Date of decision: 05.02.2018

Aman Bhateja and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A. S. Ahluwalia, Advocate for the petitioners.

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

Mr. Vishal Sharma Haritwala, 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. 295 dated 03.12.2016, registered under Sections 323, 406 and 498-A of the Indian Penal Code at Police Station Cheeka, District Kaithal (Annexure P-1) all subsequent proceedings arising therefrom in view of the compromise/settlement dated 30.05.2017 (Annexure P-2) entered into between the parties before the Mediation and Conciliation Centre of this Court.

The marriage of respondent No. 2 was solemnized on 18.04.2016 with petitioner No. 1 Aman Bhateja as per Hindu rites and rituals. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid FIR has been registered on the statement of complainant/respondent No. 2 Manju Rani @ Mahi.

In the petition bearing ***CRM-M-10468-2017*** titled as ***Aman Bhateja vs. State of Haryana***, by an order dated 06.04.2017, the matter was

referred to Mediation and Conciliation Centre of this Court for exploring the possibility of an amicable settlement. Consequently, the parties appeared before the Mediation and Conciliation Centre. In the mediation, the parties have arrived at an amicable settlement with the able assistance and guidance of Ms. Geeta Sharma, Mediator and a settlement/agreement dated 30.05.2017 (Annexure P-2) has also been reduced in writing wherein they have settled all their disputes and decided to dissolve their marriage by obtaining a decree of divorce under Section 13-B of the Hindu Marriage Act. Subsequent thereto, a decree of divorce has also been obtained by the parties as agreed and a certified copy of the same has also been placed on record herein. Now, the instant petition has been filed seeking quashing of the FIR in question on the basis of the aforesaid settlement/compromise.

Notice of the instant petition was issued and appearance has been caused by the counsel for respondent No.2/complainant who admits to the factum of compromise entered into between the parties before the Mediation Conciliation Centre of this Court and submits that the same is without any pressure or coercion from any one.

Respondent No. 2 is also present in Court today and submits that she has compromised the matter with the petitioners and has also received all the payments as agreed before the Mediation and Conciliation Centre of this Court.

Mr. P. P. Chahar, DAG, Haryana, on instructions from the Investigating Officer, 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 rival parties and have gone

through the record and settlement/agreement dated 30.05.2017 (Annexure P-2).

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.

Since the parties have settled their dispute amicably before the Mediation and Conciliation Centre of this Court and a settlement/agreement has also been reduced in writing thereof and, moreover, the marriage also stands dissolved, this Court does not feel any necessity to send the parties for recording of their statements before the trial Court/Illaq Magistrate concerned.

Consequently, keeping in view the above facts and circumstances 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. 295 dated 03.12.2016, registered under Sections 323, 406 and 498-A of the Indian Penal Code at Police Station Cheeka, District Kaithal (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

The petition stands disposed of.

05.02.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No