

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

CRM-M-25386-2017 (O&M)
Date of decision: 28.02.2018

Krishna Arjun Pathak and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Satnam Singh Gill, Advocate,
for the petitioners.

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

Mr. Ravi Malik, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

CRM-6554-2018

This is an application that has been filed for preponing the date of hearing from 09.03.2018 to some early date.

For the reasons mentioned in the application, the same is allowed. Hearing in the case is preponed from 09.03.2018 to today itself.

CRM-M-25386-2017

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 421 dated 21.10.2014, under Section 498-A/ 406/ 506/ 120B/34 of the IPC, registered at Police Station Saran, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of a settlement / agreement that has been arrived at between the parties, dated 16.05.2017/30.05.2017

(Annexure P-2).

Learned counsel appearing on behalf of the petitioner contends that the respondent herein had filed a petition before the Principal Judge, Family Court, Gwalior seeking divorce under Section 13(1)(1-A) of the Hindu Marriage Act which came to be dismissed, before the High Court of Madhya Pradesh Bench at Gwalior. Against the said order of dismissal, First Appeal No. 182 of 2016 was preferred before the High Court of Madhya Pradesh Bench at Gwalior itself. In these proceedings, the matter stands settled amicably between the parties in the Madhya Pradesh Mediation Centre, Gwalior. In terms of the said settlement, the petitioner herein offered permanent alimony maintenance etc. of an amount of Rs. 12 lacs which was to be paid to the respondent-wife, who agreed to withdraw pending cases relating to the maintenance and Domestic Violence, pending in the Court at Faridabad. A further stipulation was made that the respondent wife shall not encash the said draft until all cases are withdrawn and also to give consent for the grant of divorce. The last clause mentioned therein was that initiative would be taken by the petitioner herein for quashing of the case relating to Section 498-A IPC.

Pursuant to the said settlement arrived at between the parties, a demand draft amounting to Rs. 12 lacs was deposited in First Appeal No. 182 of 2016, pending in the High Court of Madhya Pradesh Bench at Gwalior and the said demand draft dated 10.01.2018 is valid for three months. The petitioner herein prays for quashing of FIR No. 421 dated 21.10.2014, under Section 498-A/ 406/ 506/ 120B/34 of the IPC, registered at Police Station Saran, District Faridabad (Annexure P-1) on the ground

that the matter has been compromised and the amount of Rs. 12 lacs has been deposited in the Court.

Notice of the petition was issued and pursuant to the same appearance has been caused on behalf of the respondent wife. Since the matter was listed for hearing on 09.03.2018, an application i.e. CRM-6554-2018 has been filed for preponement of the date by the respondent only.

Both the counsel for the parties agreed that the matter between the parties stands settled amicably while submitting that it is only in case the FIR is quashed and thereafter the said amount would be released in favour of the respondent-wife. Since the matter stands settled before the Madhya Pradesh Mediation Centre, Gwalior wherein they have agreed to part ways and drop all proceedings against each other, no useful purpose would be served in getting the statements of the parties recorded again.

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. 421 dated 21.10.2014, under Section 498-A/ 406/ 506/ 120B/34 of the IPC, registered at Police Station Saran, District Faridabad (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

28.02.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes.

Whether reportable

No.