

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

CRM-M-26754-2016 (O&M)

Date of decision: 23.03.2018

Abhishek Aggarwal and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aditya Sanghi, Advocate
for the petitioners.

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

Mr. Gaurav Aggarwal, 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. 821 dated 18.09.2015, registered under Sections 498-A, 323, 406, 506 and 34 of the Indian Penal Code at Police Station Civil Lines, Hissar and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

In brief, the facts are that a marriage was solemnized between petitioner No. 1 Abhishek Aggarwal and respondent No. 2 Ambika Aggarwal on 08.02.2015 as per Hindu rites and rituals. However, on account of the temperamental differences that arose between the parties, the aforesaid FIR was registered at the behest of respondent No. 2 against husband, his mother and his unmarried sister. During the pendency of the proceedings, under the FIR, before the Additional Sessions Judge, Hissar,

the matter was referred to Mediation Centre to explore the possibility of an amicable settlement. The mediation process was successful and the parties resolved to part ways as well as to withdraw all cases filed against each other. In the said compromise, various other terms were also settled, one of them being that a sum of ₹30,00,000/- (Rupees Thirty Lakh) would be paid to the complainant in three installments. It was also agreed that the marriage would be dissolved by way of filing a petition under Section 13-B of the Hindu Marriage Act. Keys of the flat were also to be handed over by the complainant to the petitioner-husband. During the pendency of this petition, decree of divorce, under Section 13-B of the Hindu Marriage Act, has been granted and the parties have moved separate applications to withdraw their respective cases in the various High Courts where the matters are pending. The amount of ₹30,00,000/- has already been paid to the complainant.

The matter is taken up today for consideration. Counsel for the parties submit that the parties would be bound by the terms of the compromise entered into between them. Counsel for respondent No. 2/complainant further submits that the complainant would have no objection in case the instant petition is allowed and FIR in question is quashed. However, he does put a caveat to allowing the said petition to the extent that in case the petitioners do not fully cooperate or abide by the terms of the compromise, the complainant be given liberty to have the instant petition revived.

Mr. P. P. Chahar, DAG, Haryana, 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 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. 821 dated 18.09.2015, registered under Sections 498-A, 323, 406, 506 and 34 of the Indian Penal Code at Police Station Civil Lines, Hissar and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

However, respondent No. 2/complainant is given liberty to revive the instant petition in case the petitioners do not fully cooperate or abide by the terms of the said compromise.

23.03.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No