

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

Crl. Misc. M- 2735-2018 (O&M)
Date of Decision: 26.07.2018.

Pardeep

...Petitioner

Versus

State of Haryana and another

...Respondent(s)

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.Sushil Jain, Advocate
for the petitioner(s).

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

Mr. Randeep Singh, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 163 dated 05.08.2015 registered under Sections 406, 498-A of Indian Penal Code at Police Station Sector 14, Panchkula (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise effected between the parties and on the basis of statements made before the ADJ, Panchkula vide order dated 10.01.2018 (Annexure P/3).

The FIR was registered on the statement of Ms. Monika Malik, complainant-respondent No.2, on the allegations that after marriage, the accused-petitioner harassed her on account of bringing less dowry and maltreatment in her matrimonial house.

Learned counsel for the petitioner submits that the petitioner and respondent No.2 have also filed petition under Section 13-B of Hindu Marriage Act, 1955 for dissolution of marriage and further stated that the decree of divorce has been granted. Thereby the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate First Class at Panchkula forwarded by the District and Sessions Judge, Panchkula dated 26.02.2018 stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Deputy Advocate General, Punjab, on instructions from the 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 **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No. 163 dated 05.08.2015 registered under Sections 406, 498-A of Indian Penal Code at Police Station Sector 14, Panchkula (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise effected between the parties and on the basis of statements made before ADJ, Panchkula vide order dated 10.01.2018 (Annexure P/3) are quashed qua the petitioner.

The petition stands disposed of.

July 26 , 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No