

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

(249)

CRM M-38963-2017

Decided on: March 22, 2018.

AJAY KUMAR

.... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present : Mr. Jagjit Gill, Advocate
for the petitioner.

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

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No 317, dated 30.09.2015, under Sections 498-A, 406, 323 and 34 of the Indian Penal Code registered at Police Station Sadar Sirsa, District Sirsa, (Annexure P-1) has prayed for quashing of F.I.R. with all subsequent proceedings on the basis of compromise.

The aforesaid FIR was registered on the statement of respondent No.2, complainant-Manjeet Kaur under the above said Sections.

The marriage of respondent No. 2 was solemnized with petitioner No. 1 as per 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- Manjeet Kaur. However, now with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties and

they have entered into a compromise.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Addl. Chief Judicial Magistrate, Sirsa, vide report dated 16.02.2018 stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one.

Learned Deputy Advocate General, Haryana, on instructions from the Investigating Officer, and learned counsel for respondent No.2 admit to the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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 317, dated 30.09.2015, under

Sections 498-A, 406, 323 and 34 of the Indian Penal Code registered at Police Station Sadar Sirsa, District Sirsa, (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

March 22,2018
tarun sahani

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No