

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-39954 of 2017

.....

Date of decision:21.3.2018

Deepak Malik and others

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Ram Bilas Gupta, Advocate for the petitioners.

Mr. Ashok Chaudhry, Additional Advocate General, Haryana
for the respondent-State.

None for the complainant-respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.50 dated 3.11.2015 (Annexure-P.1) registered for the offences under Sections 406, 498-A and 506 IPC at Police Station Women Police, District Faridabad and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The marriage of the complainant was solemnized with petitioner No.1 Deepak Malik on 8.2.2013 as per Hindu rites and rituals. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the above said FIR has been registered on the statement of complainant-Suruchi against her husband and other family

members.

Learned counsel for the petitioners wants to withdraw the present petition qua petitioners No.2 to 4 as they were found innocent during the investigation and were not challaned and their names have been kept in column No.2. The petition is dismissed as withdrawn qua petitioners No.2 to 4 as they were not challaned.

Now with the intervention of relatives and respectable persons, the matrimonial dispute has been amicably compromised 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 learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Faridabad, has sent her report dated 19.1.2018 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Additional Advocate General, Haryana, on instructions from the Investigating Officer admits the factum of compromise and submits that in case the parties have indeed settled their matrimonial 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 petitioner No.1 as well as learned Additional Advocate General, Haryana and have gone through the record.

[3]

In a decision, based on compromise, none of the parties is a loser. Rather, 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 matrimonial dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matrimonial dispute has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.50 dated 3.11.2015 (Annexure-P.1) registered for the offences under Sections 406, 498-A and 506 IPC at Police Station Women Police, District Faridabad and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner No.1.

March 21, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No