

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

CRM-M-40312-2017 (O&M)

Date of decision: 17.01.2018

Dr. Subrat Saxena and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.K. Kohli, Advocate,
for petitioner No.1.

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

Mr. P.K. Ganga, 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. 1116 dated 09.10.2016, under Sections 323, 34, 376, 377, 380, 452, 506 of the IPC, registered at Police Station Gurugram Sadar, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise entered into between the parties.

In brief, the facts of the case are that complainant/respondent No.2 had lodged the above referred FIR against the petitioners alleging that petitioner No.1 had married her on 05.03.2010 while concealing the factum of his first marriage. Allegations of rape and forcing her to have unnatural sex was also alleged. After the lodging of the FIR, the petitioners approached this Court for grant of pre-arrest bail and during the pendency of the proceedings, the parties were agreeable to settle their dispute

amicably. The matter was sent to the Mediation and Conciliation Centre of this Court and a settlement agreement was arrived at between the parties on 18.05.2017, wherein it was decided that petitioner No.1 herein would pay an amount of Rs. 35 lacs to the complainant and the minor daughter (who was adopted between the parties). This amount would be in lieu of all her claims as well as permanent alimony and maintenance (past present and future) as well as the maintenance for the minor child. It was also agreed that all proceedings would be dropped. In terms of the said agreement, a sum of Rs. 20 lacs has already been paid.

Today, the matter has been taken up for hearing in this petition that has been filed for quashing of the said FIR. The balance amount of the said amount i.e. Rs. 15 lacs has been handed over to the complainant, who is present in Court, by way of Demand Draft No. 881964 drawn on Corporation Bank. Since the matter stands settled between the parties amicably before the Mediation and Conciliation Centre of this Court itself, this Court is not inclined to refer the matter for recording of their statements regarding the genuineness of the compromise arrived at between the parties. Moreover, the complainant who is identified by the counsel representing her in the Court, has received a sum of Rs. 15 lacs and agrees to the genuineness of the compromise and gives her no objection to quashing of the FIR.

At this juncture, it is pointed out by learned counsel for the petitioner that the power of attorney qua petitioner No. 2, 3 & 4 has been withdrawn with specific instructions not to appear in the matter. The complainant has been put a question by this Court whether she would have

any objection in case the proceedings qua the said petitioners, who have filed the petition but not represented in Court, to the quashing of the said FIR and she in her magnanimity has stated that she has no objection in case the instant FIR and the subsequent proceedings arising therefrom qua them are quashed.

Mr. A.S. Sandhu, learned Addl. Advocate General, Punjab on instructions from the Investigating Officer admits the factum of compromise and submit that in case the parties have indeed settled their dispute, he has 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 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. 1116 dated 09.10.2016, under Sections 323, 34, 376, 377, 380, 452, 506 of the IPC, registered at Police Station Gurugram Sadar, District Gurugram (Annexure

P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

It is further made clear that the parties are bound by the compromise, would move necessary applications to have other matters between themselves withdrawn. Petitioner No.1 herein is directed not to cause any undue harassment to the complainant-respondent No.2 herein, failing which she is competent to seek recourse under law.

The petition stands disposed of.

17.01.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.