

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

Crl. Misc. M-42138 of 2018 (O&M)

Date of Decision: 13-11-2018

Rakesh Kumar

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kameshwar Gumber, Advocate
for the petitioners.

Mr. PP Chahar, DAG, Haryana.

Mr. Umesh Kumar Kanwar, Advocate
for the 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.190 dated 14.09.2016 registered under Sections 498-A, 406, 506, 354, 34 of the Indian Penal Code at Police Station Women, District Gurgaon/now Gurugram (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise dated 02.08.2018 (Annexure P/2).

The aforesaid FIR has been registered on the statement of complainant-respondent No.2 on the allegations that the accused-petitioner and his family have harassed and tortured her in her matrimonial home for bringing less dowry and threatened her to kill her if their demand of dowry is not fulfilled. Now with the intervention of respectable persons, 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 dated 17.10.2018 has been received from Judicial Magistrate Ist Class at Gurugram forwarded by the District and Sessions Judge, Gurugram, 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 Counsel appearing on behalf of the respondent-State, 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.190 dated 14.09.2016 registered under Sections 498-A, 406, 506, 354, 34 of the Indian Penal Code at Police Station Women, District Gurgaon/now Gurugram and all subsequent proceedings arising out of the same are quashed qua both the petitioners herein only.

The petition stands disposed of.

November 13, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No