

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

CRM-M-45196-2018 (O&M)

Date of Decision: 28.11.2018

Ashwani Arora and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D.K. Tuteja, Advocate
for the petitioners.

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

Mr. M.S. Kathuria, 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. 85 dated 13.06.2017 registered under Sections 498-A, 406, 506, 354-A, 34 of Indian Penal Code at Women Police Station, Rohtak (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P-2).

In brief, the facts are that a marriage was solemnized between petitioner No.1 herein and respondent No.2 on 11.07.2013 as per Hindu rites and ceremonies. Out of this wedlock one child, namely Dev was born. Some differences arose between the parties and the instant FIR was got registered by respondent No.2. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and

they have resolved their disputes and differences. In terms of the compromise, a divorce petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage with mutual consent has already been allowed.

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 the Judicial Magistrate 1st Class, Rohtak, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Mr.P.P. Chahar, learned DAG, Haryana, on instructions from the Investigating Officer and learned counsel for the complainant/respondent No.2 admit the factum of compromise and submit that the parties have indeed settled their dispute and are residing together, 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. 85 dated 13.06.2017 registered under Sections 498-A, 406, 506, 354-A, 34 of Indian Penal Code at Women Police Station, Rohtak (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

28.11.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No