

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

CRM-M-46406-2016 (O&M)

Date of Decision: 11.12.2018

Rajbir

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM : HON'BLE MS. JUSTICE JAISHREE THAKUR

Present : Mr. S.S. Kharb, Advocate for the petitioner.

Mr. P.P. Chahar, D.A.G. Haryana.

Mr. Saurab Dalal, 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.15 dated 24.01.2014 registered under Sections 498-A, 406 and 506 of Indian Penal Code and charge sheet dated 22.12.2014 and revision order dated 1.08.2016 and all subsequent proceedings arising therefrom.

Learned counsel for the petitioner herein would contend that a matrimonial dispute arose between the petitioner herein and Smt. Rajani with whom he solemnized a marriage on 30.10.2009. As a result of matrimonial differences, a petition under Section 13-B of the Hindu

Marriage Act was filed which was allowed in favour of the petitioner

herein. This order came to be challenged in FAO No.239 of 2016 titled as Smt. Rajni v. Sh Rajbir Verms before the High Court. During the pendency of the said FAO, matter was compromised between the parties and a compromise dated 28.9.2018 came to be executed between them. As per the said compromise, it was decided that parties would part-ways and the petitioner herein would pay a sum of ₹ 14,00,000/- towards maintenance to the daughter. It is also agreed between the parties that the FIR in question which was got registered against the petitioner herein and his parents and younger sister would be quashed by moving an appropriate application in the petition in hand.

Learned counsel for the petitioner herein contends that since the matter stands settled amicably based on the compromise and decree of divorce has been granted and entire money of ₹ 14,00,000/- has been handed over to the complainant-respondent No.2, the said proceedings ought to be quashed.

Learned counsel has put in appearance on behalf of respondent No.2 admits the factum of compromise as well as receipt of ₹ 14,00,000/-

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 v. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.15 dated 24.01.2014 registered under Sections 498-A, 406 and 506 of Indian Penal Code and charge sheet dated 22.12.2014 and revision order dated 1.08.2016 and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

11.12.2018
rajeev

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**