

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

CRM-M-49147-2017
Date of decision: 31.10.2018

Yogesh Arora

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sandeep Kotla, Advocate,
for the petitioner.

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

Mr. Kirti Vardhan Verma, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 05 dated 16.01.2016 under Sections 323/ 34/ 406 /498-A/ 506 IPC, registered at Women Police Station, Gurgaon (now Gurugram) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise entered into between the parties (Annexure P-2).

The marriage of the petitioner was solemnized with the complainant/respondent No.2 on 24.04.2004 as per Hindu rites and ceremonies. Out of this wedlock two children, namely Ms. Rupashi Arora and Khushank Arora were born. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid

FIR has been registered on the statement of complainant/respondent No.2.

However, now with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties. A settlement / agreement has been entered into between the parties, a copy thereof is annexed with the petition.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate Ist Class, Gurugram, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one.

Mr. P. P. Chahar, learned DAG, Haryana on instructions from the Investigating Officer, and learned counsel for respondent No. 2 admit to the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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 rival parties and 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 & others vs. State of Punjab & another, (2014) 6 SCC 466*, this petition is allowed, FIR No. 05 dated 16.01.2016 under Sections 323/ 34/ 406 /498-A/ 506 IPC, registered at Women Police Station, Gurgaon (now Gurugram) (Annexure P-1)) and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

31.10.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.