

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

**CRM-M-6792-2017 (O&M)
Date of decision: 18.07.2018**

Sandeep Kumar and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vaibhav Parashar, Advocate
for the petitioners.

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

Mr. Rahul Jain, 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. 44 dated 22.01.2014 registered under Sections 498-A, 406, 506 and 34 of Indian Penal Code at Police Station Ballabgarh City, Faridabad and all proceedings arising therefrom in view of the compromise.

In brief, the facts are that a marriage was solemnized between petitioner No.1 and respondent No.2 on 12.02.2010 according to Hindu rites and ceremonies at New Delhi. However, on account of matrimonial dispute that arose between the parties, an FIR No. 44 dated 22.01.2014 was registered against the petitioners under Sections 498-A, 406, 506 and 34 of Indian Penal Code at Police Station Ballabgarh City, Faridabad. Now with

the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences and a compromise-cum-settlement came to be executed between the parties. As per the compromise arrived at, it was agreed that the parties would reside separately and it was also decided to dissolve their marriage by a decree of divorce by mutual consent. In the compromise, it was noted that the complainant had settled all her disputes including Istrithan, past and future maintenance and permanent alimony, while further undertaking not to file any type of litigation regarding Istridhan, alimony, whatsoever. It was also agreed that all litigation inter se would be withdrawn. Subsequent to the compromise, a petition under Section 13-B of the Hindu Marriage Act was also filed as well as the instant petition seeking quashing of the said FIR based on the compromise.

Notice was issued of the instant petition. An appearance was caused on behalf of respondent No.2 and reply filed therein. In the reply, it has been stated that respondent No.2 had fulfilled her part of the Compromise-cum-settlement deed and she had withdrawn the proceedings under the DV Act. However, it is the petitioner herein who had not put in appearance to get the second statement recorded and was undoubtedly harassing the respondent herein. On account of the fact that the petitioner did not put in an appearance in the second motion petition, the first motion petition under Section 13-B of the Hindu Marriage Act had elapsed. During the course of the proceedings, the counsel for the petitioners submitted that the petitioner-husband is ready and willing to give his statement under

Section 13-B of the Hindu Marriage Act petition and will re-file a petition under Section 13-B of the Hindu Marriage Act within a period of two weeks.

The matter has been taken up today and this Court is informed that pursuant to the order dated 03.08.2017, a decree of divorce has been obtained between the parties, namely, Sandeep Kumar-petitioner No.1 and Sunita Rani-respondent No.2. The compromise arrived at between the parties seems to be 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. Learned counsel for respondent No.2 also submits that a decree of divorce has been granted and she 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. 44 dated 22.01.2014 registered under Sections 498-A, 406, 506 and 34 of Indian Penal Code at Police Station Ballabhgarh City, Faridabad and all proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

18.07.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.