

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

Crl. Misc. M 54534 of 2018 (O&M)
Date of decision: 17.12.2018

Nirmla Devi and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Manish Soni, Advocate,
for the petitioners.

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

Mr. N.S. Shekhawat, Advocate
for respondent No.2.

Complainant in person as well.

JAISHREE THAKUR, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure for seeking quashing of FIR No. 488 dated 21.9.2012 (Annexure P/1) registered under Sections 323, 506, 34 IPC at Police Station Civil Lines, Gurugram, District Gurugram, and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

2. Notice of motion has been issued and appearance has been caused on behalf of the complainant—respondent No.2. Mr. N.S. Shekhawat, learned counsel appearing on behalf of respondent confirms the fact that the matter has been compromised between the parties and the complainant, who is present in court, has no objection in case the said FIR is quashed, subject to the affidavit in terms of the compromise being

furnished. It is submitted that Manoj Chhillar son of Shri Dharam Vir was to file an affidavit with the Director Education, NDMC, New Delhi, withdrawing the complaint he had filed with the office regarding forgery committed by her, while obtaining OBC certificate. It is stated that affidavit purported to have been prepared has not reached the office of Director Education, NDMC, New Delhi.

3. The counsel for the petitioner submits that a fresh affidavit seeking to withdraw the complaint, in terms of the settlement will be prepared.

4. With a view to settle the dispute a put a quietus to all litigations pending between the parties, let a fresh affidavit be prepared and handed over to the Investigating Officer by tomorrow, who in turn, shall ensure that the same reaches the office of the Director Education, NDMC, New Delhi. The Director Education, NDMC, New Delhi (though not a party to these proceedings) is directed to take appropriate action on the said affidavit. It is sanguine hope of this Court that the matter would be looked into sympathetically by the Director, Education, since the complaint was initiated on account of bitter matrimonial litigation, which ensued between the parties. The dispute now stand settled amicably between the parties. However, it is made clear that in case the aforesaid order is not complied with, respondent No.2 is at liberty to get the present proceedings revived.

5. 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.

6. Consequently, keeping in view the fact that dispute has been amicably settled and in view of the law laid 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. 488 dated 21.9.2012 (Annexure P/1) registered under Sections 323, 506, 34 IPC at Police Station Civil Lines, Gurugram, District Gurugram, and all subsequent proceedings arising out of the same are quashed.

7. The petition stands disposed of.

17.12.2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No