

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

CRM-M-6303-2018

Date of decision: 16.02.2018

Prince Gupta

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ashit Malik, Advocate,
for the petitioner.

Petitioner and respondent No. 2 are present in Court.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 137 dated 04.03.2015, under Section 323, 406, 498-A & 506 of the IPC, registered at Police Station Karnal Civil Lines, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of a settlement agreement that has been arrived at between the parties before the Mediation and Conciliation Centre of this Court.

In brief, the facts are that petitioner married to respondent No.2 on 26.01.2006 as per the Hindu rites and ceremonies and out of this wedlock two children were born. On account of misunderstanding and a marital discord, FIR No. 137 dated 04.03.2015, under Section 323, 406, 498-A & 506 of the IPC, was got registered at Police Station Karnal Civil Lines, District Karnal by Suresh Kumar Garg, father of respondent No.2

against the petitioner and his parents. After investigation, challan was filed only against petitioner, husband of respondent No.2 Veena Gupta daughter of the complainant. A petition under the Protection of Women from Domestic Violence Act, 2005 was also registered at the behest of respondent No.2 in which interim maintenance was fixed by learned Addl. Sessions Judge, Chandigarh which came to be challenged before this Court in Criminal Revision No. 2498 of 2017 titled as 'Veena Gupta vs. Prince Gupta and others'. In the said petition, the matter was referred to the Mediation and Conciliation Centre of this Court by order dated 14.12.2016 for an amicable settlement between the parties, which resulted in a settlement agreement dated 06.02.2018 between the parties herein. As per the terms of the settlement arrived at between the parties, it has been decided that the parties would reside together and withdraw all such matters filed against each other. This Court is informed that in terms of the settlement agreement respondent No.2 has already withdrawn the petition filed under the provisions of Protection of Women from Domestic Violence Act, 2005.

Keeping in view the fact that the parties have compromised the matter before the Mediation and Conciliation Centre of this Court which was reduced into writing as a settlement agreement dated 06.02.2018, which was duly counter signed by the parties before the Mediator. The compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one.

Notice of motion.

On asking of the Court, Mr. A.S. Sandhu, learned Addl. Advocate General, Punjab accepts notice on behalf of the State and submits 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.

Mr. Ved Parkash, Advocate, puts in appearance and filed power of attorney on behalf of respondent No. 2, who admits the factum of compromise and submit that the parties are residing happily together. He further submits that the complainant-respondent No.2 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 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 *Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543*, this petition is allowed and FIR No. 137 dated 04.03.2015, under Section 323, 406, 498-A & 506 of the IPC, registered at

Police Station Karnal Civil Lines, District Karnal (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

16.02.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.