

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

**CRM-M-7439-2018 (O&M)
Date of decision: 21.05.2018**

Bishnu Tokas and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Mukesh Sharma, Advocate,
for the petitioners.
(Name of petitioner No.4-Ashish Tokas, has already been
deleted from the array of the parties vide order dated
06.04.2018 passed in **CRM-12223-2018**.)

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

Mr. Saurabh 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. 74 dated 09.02.2014, under Sections 406, 498-A & 34 of the IPC, registered at Police Station Kharkhoda, District Sonapat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of the compromise entered into between the parties.

Reply on behalf of respondent No.1-State has been filed in Court today which is taken on the record.

The marriage of respondent No. 2 was solemnized with petitioner No. 1 as per Hindu rites and rituals. 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 and they have entered into a compromise.

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 Sub Divisional Judicial Magistrate, Kharkhoda, 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 and FIR No. 74 dated 09.02.2014, under Sections 406, 498-A & 34 of the IPC, registered at Police Station Kharkhoda, District Sonapat (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

21.05.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.