

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

Crl. Misc. M 21873 of 2018 (O&M)
Date of decision: 18.2.2020

Rohit Nanda and another

...Petitioners

Versus

The State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. A.K.Singh Goyat, Advocate
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Pankaj Kundra, Advocate, for
Mr. Deepak Sabharwal, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 302 dated 14.12.2017 (Annexure P/1) registered under Sections 323, 406, 498-A IPC at Police Station Sector 14, District Panchkula and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

The marriage of the complainant was solemnized with petitioner No.1 on 8.3.2015, as per Hindu rites at Delhi. 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-Natasha Jangra. Now with the intervention of respectable persons, the matrimonial dispute has been amicably settled between the parties and they have entered into a compromise.

Learned counsel for the petitioner submits that in terms of the compromise arrived at between the parties, both the petitioner and the complainant filed a petition under Section 13-B (1) of the Hindu Marriage Act for dissolution of the marriage by way of decree of divorce with mutual consent, which was granted by judgment dated 13.8.2019 passed by the Principal Judge, Family Court, Panchkula. A demand draft of ₹2,00,000 (₹Two Lakh) has been handed over to the learned counsel for respondent No.2 in court today. A photocopy of the demand draft has been placed on the record.

Learned counsel for respondent No.2 admits that with the payment of ₹2 lakhs all the disputes stand settled, as the complainant has received the entire amount stipulated in the compromise/settlement towards her past, present and future maintenance.

Learned Assistant Advocate General, Haryana submits that in case the parties have indeed settled their matrimonial dispute, the State 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 also 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 matrimonial 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 matrimonial 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. 302 dated 14.12.2017 (Annexure P/1) registered under Sections 323, 406, 498-A IPC at Police Station Sector 14, District Panchkula and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

18.2.2020

prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No