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

CRM-M No.24336 of 2020 (O&M)
Date of Decision.23.11.2020
(Heard through VC)

Gaurav and others ...Petitioners

Vs

State of Haryana and another ...Respondents

2. **CRM-M No.24377 of 2020 (O&M)**

Gaurav and another ...Petitioners

Vs

State of Haryana and another ...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Amit Khari, Advocate
for the petitioners.

Ms. Gagandeep Kaur, AAG, Haryana.

Ms. Vijay Laxmi, Advocate
for the complainant/respondent No.2.

-.-

JAISHREE THAKUR J. (ORAL)

1. This order of mine shall dispose of two Crl. Misc. Petitions bearing Nos.24336 of 2020 and 24377 of 2020. The former petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.54 dated 20.09.2018 registered under Sections 498-A, 406, 323, 354, 506 IPC at Women Police Station, Yamuna Nagar (Annexure P-1) and all other consequential proceedings arising therefrom in view of the compromise deed dated 29.01.2020 (Annexure P-2), while the latter has been filed for quashing of order dated 03.09.2019 passed by the Ld. JMIC, Yamuna Nagar in the aforesaid FIR whereby the petitioners, Gaurav & Arun, have been declared as proclaimed persons as well as quashing of FIR No.761 dated 23.07.2019 registered under Section 174-A IPC at Police Station Jagadhari

PANKAJ KUMAR
2020.11.25 10:17
I attest to the accuracy and
integrity of this document

City, Yamuna Nagar and all the consequential proceedings arising therefrom as a compromise has arrived at between the parties in the main FIR i.e. FIR No.54 dated 20.09.2018.

2. The FIR has been registered on the statement of complainant on the allegations of ill-treatment and harassment on account of demand of dowry at the hands of accused-petitioners herein. Petitioners namely Gaurav and Arun in the Crl. Misc. Petition No.24377 of 2020 have been declared prclaimed persons vide order dated 03.06.2019 passed by JMIC, Yamuna Nagar and in pursuance to the said order, an FIR No.761 dated 23.07.2019 registered under Section 174-A IPC has also been registered. However, now with the intervention of respectable persons, the matter has been amicably settled between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the Judicial Magistrate 1st Class, Yamuna Nagar stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Haryana on instructions from the Investigating Officer and Ms. Vijay Laxmi, Advocate for the complainant admit the factum of compromise and the counsel for the respondent-State submits that in case the parties have indeed settled their 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.

5. I have heard learned counsel for the parties and have gone through

PANKAJ KUMAR
2020.11.25 10:17
I attest to the accuracy and
integrity of this document

the record.

6. 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.

7. 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**, Crl. Misc. Petition No.24336 of 2020 is allowed and FIR No.54 dated 20.09.2018 registered under Sections 498-A, 406, 323, 354, 506 IPC at Women Police Station, Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua petitioners.

8. Since the main FIR i.e. FIR No.54 dated 20.09.2018 itself has been quashed, order dated 03.06.2019 declaring the petitioners Guarav and Arun as proclaimed persons is set aside and FIR No.761 dated 23.07.2019 under Section 174-A IPC registered at Police Station Jagadhari City, Yamuna Nagar in pursuance of order dated 03.06.2019 is also quashed qua petitioners. The Crl. Misc. Petition No.24377 of 2020 is allowed in above terms.

(JAISHREE THAKUR)
JUDGE

November 23, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

PANKAJ KUMAR
2020.11.25 10:17
I attest to the accuracy and
integrity of this document