

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

CRM-M-31294-2020 (O&M)

Date of Decision: 10.12. 2020

(Heard through VC)

Sumit Sharma

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sudhanshu Makkar, Advocate
for the petitioner.

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

Mr. Sushil Kumar Sharma, 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. 50 dated 16.03.2017 registered under Sections 323, 406, 498-A, 506, 120-B IPC at Police Station Kalka, District Panchkula (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise.

At the very outset, learned State counsel has pointed out that the petitioner has been charge-sheeted under Section 377 of IPC as well.

Counsel for the petitioner would contend that Section 377 IPC

was not inadvertently mentioned in the headnote and prayer clause of the petition, and he would pray that, on his oral request, the same may be allowed to be added in the petition. The compromise deed (Annexure P-2) contains the factum of addition of Section 377 of IPC in the case.

On the oral request of the counsel for the petitioner, Section 377 of IPC is permitted to be incorporated in the petition, wherever needed.

The Registry is directed to carry out the necessary corrections in this regard.

The FIR has been registered on the statement of complainant -respondent No.2 that the petitioner harassed and tortured her for demand of dowry and also gave beatings to her. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

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

Learned State counsel, on instructions from the Investigating Officer, admits the factum of compromise, which is available on record as Annexure P-2 and 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.

I have heard learned counsel for the 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 **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No. 50 dated 16.03.2017 registered under Sections 323, 406, 498-A, 506, 120-B besides Section 377 IPC at Police Station Kalka, District Panchkula (Annexure P/1) and all subsequent proceedings arising out of the same are quashed qua the petitioner herein.

10.12.2020

seema/vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No