

275 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH

CRM-M-53888-2023

Date of Decision: 11.12.2023

MONICA KHANNA

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aman Priye Jain, Advocate  
for the petitioner.

Mr. Vinod Bhardwaj, AAG Haryana.

Mr. Rahul Vats, Advocate for respondent No. 2.

\*\*\*\*

**HARPREET SINGH BRAR J. (Oral)**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 0165 dated 01.04.2023 registered under Section 346 of Indian Penal Code at Police Station Palam Vihar, Gurugram and all subsequent proceedings arising therefrom in view of the compromise dated 20.05.2023 (Annexure P-3).

2. The FIR registered on the statement of complainant-Monica Khanna-petitioner on the allegation that her son, who is studying in NCU North Campus B.Com Hons. Second Semester had left for his college on 31.03.2023 at 8.00 AM but not returned back. Now with the intervention of respectable persons, the matter has been amicably compromised 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/Illaq Magistrate for getting their statements recorded in support of the

compromise. In pursuance of the direction, a report dated 05.12.2023 has been received from Judicial Magistrate Ist Class, Gurugram 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 submits reply dated 04.12.2023 by way of an affidavit of Shiva Archan, HPS, Assistant Commissioner of Police West, Gurugram, which is taken on record. Learned State counsel further, on instructions from the Investigating Officer and learned counsel for respondent No. 2 admitted the factum of compromise and submit 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 the record with their able assistance.

6. The parties have arrived at a compromise and settled their dispute. 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. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

*“4. ....The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”*

7. A perusal of the report sent by learned Judicial Magistrate Ist

Class, Gurugram indicates that respondent No. 2, who is the complainant in the present FIR has made the statement in terms of the compromise effected between the parties.

8. 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 and Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834* and Full Bench of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052*, this petition is allowed and FIR No. 0165 dated 01.04.2023 registered under Section 346 of Indian Penal Code at Police Station Palam Vihar, Gurugram and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

11.12.2023

manisha

(HARPREET SINGH BRAR)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No