

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

Criminal Misc.No.M-38827 of 2013

Date of Decision: 21st December, 2013

Umesh Prabhakar & Ors.

.. Petitioners

Versus

State of Haryana & Anr.

.. Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Kanwardeep Singh, Advocate,
for the petitioners.

Mr.Chetan Sharma, AAG, Haryana.

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Naresh Kumar Sanghi, J.

Prayer in this petition is for quashing of FIR No.976 dated 09.11.2000, under Sections 406, 498-A and 506, IPC, registered at Police Station, City, Karnal, and all the consequential proceedings arising therefrom, on the basis of compromise.

Vide order dated 18.11.2013, this Court had directed the affected parties to appear on 02.12.2013 before the learned trial court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report in that regard along with copies of the statements to this Court, on or before the adjourned date.

In compliance of the above, the affected parties did appear before the learned court below and got recorded their respective statements with regard to the compromise. The copies of the statements as well as the report in that regard have also been

received from the learned Judicial Magistrate Ist Class, Karnal.

Learned counsel for the petitioners submits that the present controversy has arisen out of a matrimonial dispute. Due to intervention of the respectable and the elderly people of the society, the better sense has prevailed and the complainant-Anupama Mehta has sorted out her grievances and effected a compromise with the petitioners. According to the terms and conditions of the compromise, the husband, Umesh Prabhakar (petitioner No.1) and Anupama Mehta (respondent No.2) have proposed to part their company. He further submits that as per compromise, a petition under Section 13-B of the Hindu Marriage Act, 1955 for grant of a decree of divorce by mutual consent has also been presented before the learned District Judge, Karnal. At the time of issuance of first motion, petitioner No.1 and respondent No.2 did appear before the learned District Judge and suffered their statements with regard to grant of decree of divorce by mutual consent. The said petition is now fixed for second motion.

He also contends that the chances of ultimate conviction of the petitioners are bleak and, therefore, pendency of the FIR and continuation of the trial would be a sheer abuse of the process of law. He has also placed reliance on the law laid down by Hon'ble the Supreme Court in the cases of **B.S.Joshi and others** vs. **State of Haryana and another**, 2003(2) RCR(Criminal) 888 and **Jitendra Raghuvanshi & others** vs. **Balbir Raghuvansi & Anr.**, 2013 (2) RCR(Criminal) 427.

Learned counsel for the State, on instructions from ASI Rajinder Kumar, Police Station, City, Karnal, admits the factum of

compromise effected between the parties. After going through the statements and the report, sent by the learned Judicial Magistrate Ist Class, Karnal, he submits that he has no objection if the impugned FIR and all the consequential proceedings arising therefrom, are quashed.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

The present criminal litigation has arisen out of a matrimonial dispute. The better sense has prevailed and the petitioners have sorted out their disputes with the aggrieved lady, i.e respondent No.2. Petitioner No.1 (husband) and respondent No.2 (wife) have proposed to part their company. In compliance of the order dated 18.11.2013 passed by this Court, the petitioners as well as respondent No.2 appeared before the learned Judicial Magistrate Ist Class, Karnal, and got recorded their respective statements in that regard. Anupma Mehta (respondent No.2) suffered the following statement before the court below:-

"Stated that she had effected compromise with her husband and the remaining members of her in-laws family and the same was with her consent and without any pressure. She had no objection if FIR No.976 dated 09.10.2010 was quashed by Hon'ble High Court in view of the compromise effected between them."

Similar statements were suffered by the petitioners.

The report received from the learned court below reveals that the compromise so effected between the parties is voluntary

one.

Learned counsel for the parties have also submitted that the private factions have sorted out their disputes and effected a compromise. Taking into consideration the above facts, this Court is of the opinion that the chances of ultimate conviction of the petitioners are bleak and, therefore, pendency of the FIR and continuation of the trial would be a sheer abuse of the process of law.

In view of the factum of compromise and the law laid down by Hon'ble the Supreme Court in the cases of **B.S.Joshi** and **Jitendra Raghuvanshi** (supra), the present petition is allowed and FIR No.976 dated 09.11.2000, under Sections 406, 498-A and 506, IPC, registered at Police Station, City, Karnal, and all the consequential proceedings arising therefrom are hereby quashed.

December 21, 2013

seema

(Naresh Kumar Sanghi)

Judge