

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

**Criminal Misc. No. M-10048 of 2015
Date of Decision:-12.8.2015**

Nitin Mewawala and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Neeraj Gupta, Advocate
for the petitioners.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Ankit Aggarwal, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.262 dated 28.4.2014, under Sections 498-A and 406 read with Section 34 IPC, registered at Police Station Sector 10, Gurgaon (Annexure P-1) alongwith all consequential proceedings on the basis of settlement agreement dated 5.8.2014 (Annexure P-2) and affidavit of the complainant dated 13.3.2015 (Annexure P-4).

Vide order dated 8.7.2015, this Court has directed the parties to appear before the trial Court to get their statements recorded and the

learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 8.7.2015, the complainant appeared before the learned Magistrate on 6.4.2015 and get her statement recorded, whereas the petitioners appeared before the learned Magistrate on 24.7.2015 and got their statements recorded.

The report dated 1.5.2015 received from the learned Judicial Magistrate 1st Class, Gurgaon, reveals that the compromise has been effected between the parties without any undue pressure.

Learned counsel appearing for respondent No.2 submits that the dispute is matrimonial in nature and on the basis of compromise, decree of divorce under Section 13-B of the Hindu Marriage Act has been granted. He does not dispute the fact of compromise effected between the parties.

Learned State counsel does not dispute the aforesaid factual position, rather admit the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of the conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.)**

1052 (P & H), this petition is accepted and FIR No.262 dated 28.4.2014, under Sections 498-A and 406 read with Section 34 IPC, registered at Police Station Sector 10, Gurgaon and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

August 12, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE