

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

CRM-M-12459-2015
Date of Decision: November 03, 2015

Amit and others

...Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Dhawaljeet Dutta, Advocate for
Mr. Shiv Kumar, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, Addl.A.G., Haryana.

None for respondent No.2.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition filed under Section 482, Cr.P.C.,
is for quashing of FIR No. 152, dated 11.08.2011, for the offences
punishable under Sections 328, 406 and 498-A IPC, registered at
Police Station, Ballabgarh Sadar, District Faridabad and all the
consequential proceedings arising therefrom, on the basis of
compromise (Annexure P-2).

Vide order dated 22.04.2015, the affected parties

were directed to appear before the learned Chief Judicial Magistrate, First Class, Faridabad, for getting their respective statements recorded with regard to veracity and voluntary nature of compromise. The said Court was also directed to send the detailed report in that regard and copies of statements to this Court.

In compliance of the above, petitioners as well as informant and his daughter-Poonam, did appear before the Court below and got recorded their respective statements with regard to the compromise.

Statements of the parties were recorded and the report of learned Judicial Magistrate First Class, Faridabad, has been received. The operative part of the report reads as under :-

“..... Accordingly, in compliance of the directions of the Hon'ble High Court, statements of Ms. Poonam, Amit, Arun, Santosh and Harkesh have been recorded. They are identified by their respective counsel Sh. Anil Parashar, Advocate and Ms. Ritu Sangwan, Advocate. In view of the statements of Ms.Poonam, complainant and the accused persons namely Amit, Arun, Santosh and Harkesh, it seems that the compromise has been entered into voluntarily and is valid. It is submitted that

Criminal Misc. No.M-12459 of 2015 titled as “Amit & others Versus State of Haryana and another” is fixed before the Hon'ble Justice Sh.Raj Mohan Singh, Judge, Hon'ble Punjab and Haryana High Court, for 10.07.2015. The statements in original alongwith orders passed by this Court and copy of order passed by Hon'ble High Court, in sealed envelope are also submitted herewith.....”

Learned counsel for the petitioners submits that due to incompatible behaviour, petitioner No.1-Amit could not pull on well with his wife Poonam-respondent No.2. During the pendency of the present petition, the better sense has prevailed and both the private factions have resolved their dispute and effected a compromise. As a sequel to the compromise, a petition under Section 13B of Hindu Marriage Act, 1955, was presented and after recording the statements of both the parties, a decree of divorce was granted. All the terms and conditions of the compromise deed (Annexure P-2) have been materialized. He further submits that pendency of the impugned FIR and consequential proceedings emanating therefrom, would be sheer abuse of the process of law, since a decree of divorce has already been passed.

Learned counsel for the State, after going through the

copies of the statements suffered by the parties and the report received from learned trial Court, has no objection, if the present criminal litigation arising out of the matrimonial dispute is terminated on the basis of compromise (Annexure P-2).

After hearing learned counsel for the parties and going through the material available on record as well as taking into consideration the facts and circumstances of the case and the ratio of the judgment of Hon'ble the Supreme Court delivered in the matter of **B.S.Joshi and others v. State of Haryana and another**, 2003 (2) R.C.R. (Criminal) 888, present petition is accepted and FIR No. 152, dated 11.08.2011, for the offences punishable under Sections 328, 406 and 498-A IPC, registered at Police Station, Ballabgarh Sadar, District Faridabad and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

November 03, 2015
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