

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

**Criminal Misc. No. M-16929 of 2015
Date of Decision:-01.9.2015**

Ujwal Marwah 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. Vivek Singla, Advocate
for the petitioners.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Munish Behl, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.429 dated 28.10.2012, under Section 498-A read with Section 34 IPC, registered at Police Station Saran, District Faridabad (Annexure P-1) alongwith all consequential proceedings arising therefrom on the basis of compromise in the form of affidavit dated 30.4.2015 of the complainant- Richa Duggal (Annexure P-2).

Learned counsel for the petitioners submits that the matter has been settled between the parties as per affidavit (Annexure P-2)

furnished by the complainant. Para 2 of the said affidavit (Annexure P-2) read as under :-

“2. That now, with the intervention of the respectable persons of the society, matter has been compromised and the accused has agreed to pay Rs.7 Lacs to the complainant, detailed as under :-

- a) Rs. 3 Lacs will be paid by the husband to the complainant through demand Draft at the time of recording of Joint statement in the preent petition (first motion) and the HMA No.350 of 2012 pnding before the Hon'ble Court of Sh. Rakesh Sidharth, ADJ, Saket Courts, Delhi will be withdrawn by the husband of the complainant at the same time.
- b) Further an amount of Rs.2 Lacs will be paid by the husband through Demand Draft to the complainant at the time of recording of joint statement in the second motion.
- c) Remaining amount of Rs.2 Lacs (out of total Rs.7 Lacs) will be paid by the husband through Demand Draft to the complainant in the Hon'ble High Court of Chandigarh at the time of quashing of FIR No.429 of 2012 dated 28.10.2012, under Sections 498-A, 34 IPC registered at Saran, District Faridabad.”

He further submits that the petitioner has already paid Rs.5 Lacs to the respondent No.2-complainant. The remaining amount of Rs.2 Lacs has also been handed over to the complainant in the Court today by way of Demand Draft No.137840 dated 25.8.2015 drawn at Indian

Overseas Bank, Delhi.

Learned counsel for the complainant on the instructions of Richa Duggal-complainant submits that he has no objection if the present FIR is quashed.

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

It being a matrimonial dispute and considering the fact that the application under Section 13-B of the Hindu Marriage Act has already been allowed and the divorce by way of mutual consent has been granted to the parties, no purpose would be served by continuing with the present FIR.

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.429 dated 28.10.2012, under Section 498-A read with Section 34 IPC, registered at Police Station Saran, District Faridabad and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

September 01, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE