

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

**Criminal Misc. No. M-23317 of 2015
Date of decision: 14.09.2015**

Sunil Dhamija

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Dalip Kr. Tuteja, Advocate and
Mr. Dishant Tuteja, Advocate
for the petitioner.

Mr. Sharad Kumar Yadav, D.A.G., Haryana
for respondent No.1 – State.

Mr. M.S. Kathuria, Advocate
for respondent No.2.

Daya Chaudhary, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.245 dated 04.09.2014 registered under Section 354 of Indian Penal Code (for short 'IPC') at Police Station Shivaji Colony, Rohtak on the basis of compromise.

Learned counsel for the petitioner submits that the dispute between the parties has been settled and complainant-respondent No2 has no objection in quashing of the FIR and other proceedings arising therefrom.

Learned counsel for respondent No.2 has also not disputed the factum of compromise.

As per the case of the parties, the marriage between the petitioner and respondent No.2 was solemnized on 17.06.2010 and a child was also born out of said wedlock on 10.05.2011. after some time, temperamental differences arose between the petitioner and respondent No.2, because of which, they were not able to adjust with each other and finally started living separately. Ultimately, a petition under Section 13-B of Hindu Marriage Act was filed by the petitioner and respondent No.2 for grant of divorce by mutual consent and the same was allowed on 31.07.2014. Even after passing of decree of divorce under Section 13-B of Hindu Marriage Act, a petition under Section 125 Cr.P.C. and the present FIR that was lodged on the basis of the statement made by complainant-respondent No.2, remained pending between the parties. The dispute between the parties was settled with the intervention of family members and the relatives and both the parties have agreed to settle the dispute. Respondent No.2 has even agreed to quash the FIR and to withdraw other proceedings.

While issuing notice of motion on 20.07.2015, parties were directed to appear before the trial Court/Ilalaqa Magistrate for recording of their statements with regard to compromise.

In response to the said directions issued by this Court, a report in this regard along with the statements of the parties has been sent by Judicial Magistrate Ist Class, Rohtak, which is on record

wherein factum of compromise has been affirmed. Complainant-respondent No.2 has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings. It has also been mentioned in the report that the compromise arrived at between the parties is without any pressure from either side and the statements are made by the parties voluntarily.

In the compromise arrived at between the parties, all the terms and conditions have been mentioned and both the parties as well as the witnesses to that settlement have signed the same. Complainant has received the amount in lump sum for present and future maintenance. The custody of child has been given to complainant-respondent No.2.

Since the dispute between the parties has been settled by way of compromise and complainant has no objection in quashing of the FIR and other proceedings; considering the fact that the dispute between the parties is of matrimonial nature and the present FIR has been registered under Section 354 IPC, which is due to that matrimonial dispute only; and also that the divorce has already been allowed on mutual consent, no purpose would be served in case proceedings are continued in future as it would amount to wastage of precious time of the Court.

Accordingly, the present petition is allowed and impugned criminal proceedings arising out of FIR No.245 dated 04.09.2014 registered under Section 354 IPC at Police Station Shivaji Colony,

Rohtak as well as all subsequent proceedings arising therefrom qua the petitioner-Sunil Dhamija are hereby quashed .

14.09.2015
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(DAYA CHAUDHARY)
JUDGE