

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

Crl. Misc. No.M-2351 of 2014

Date of Decision: 26.02.2015

Raj Mangal Yadav @ Ram Mangal Yadav and othersPetitioners

Versus

State of Haryana and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Vikas Chaudhary, Advocate
for Mr. Anil Malik, Advocate
for the petitioners.

Mr. Munish Sharma, A.A.G., Haryana
for the respondent-State.

None for respondent No.2.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.245 dated 14.08.2010 registered under Sections 406/498-A IPC at Police Station Baldev Nagar, Ambala along with all consequential proceedings arising therefrom, on the basis of compromise.

Petitioner No.1 was married with respondent No.2 on 08.03.2008. However, after some time of the marriage, a dispute arose between the parties, due to which, a complaint was filed by respondent No.2 against the petitioners before Illaqa Magistrate, Ambala for commission of offence punishable under Sections 406 and 498-A IPC. On the basis of said complaint, the FIR, in question, was registered. A divorce petition was filed by petitioner No.1 for dissolution of marriage with respondent No.2 under Section 13 of the Hindu Marriage Act. Similarly, respondent No.2 also filed a complaint under the Domestic Violence Act

and a petition under Section 125 of Cr.P.C for claiming maintenance from petitioner No.1. Complainant-respondent No.2 also filed an application under Section 24 of the Hindu Marriage Act, which was decided on 24.09.2012. Subsequently, the said judgment was challenged by the complainant by way of filing **Civil Revision No.256 of 2013** before this Court.

During pendency of the revision petition, a compromise was arrived at between the parties and the matter was referred to Mediation and Conciliation Centre of this Court, where, the terms and conditions of compromise were settled between the parties.

Learned counsel for the petitioners submits that as per compromise arrived at between the parties before the Mediation and Conciliation Centre as well as in the statement recorded as per directions issued by this Court, the complainant has no objection in quashing of FIR as well as other proceedings arising therefrom. The amount, as settled in the compromise, has been paid to the complainant and the petition under Section 13-B of the Hindu Marriage Act has also been allowed. Learned counsel also submits that the amount of ₹ 4,25,000/- has been paid to the complainant by way of draft and the same has been reflected in the statement of complainant herself.

A perusal of statement of complainant-respondent No.2 shows that nothing is due towards petitioner No.1 as amount has already been paid by him. It has also been mentioned that the compromise and statement of the complainant is as per her free will and without any pressure or coercion from either side. She has no objection in quashing of FIR as well as other proceedings arising therefrom.

Similarly, in the report sent by Judicial Magistrate 1st Class, Ambala, it has been mentioned that the compromise arrived at between the

parties is genuine as both the parties have recorded their statements voluntarily and without any pressure from either side.

Neither the complainant-respondent No.2 is present in the Court today nor she has been represented by her counsel in spite of service but the statement of the complainant-respondent No.2 is on record, wherein, not only the factum of compromise has been affirmed but receipt of the amount has also been accepted.

Since it is a case of matrimonial dispute which has been settled between the parties and the complainant is satisfied with the compromise, which is as per her free will; she is not interested in continuation of the proceedings arising out of FIR, in dispute, the present petition is allowed and FIR No.245 dated 14.08.2010 registered under Sections 406/498-A IPC at Police Station Baldev Nagar, Ambala along with all consequential proceedings arising therefrom, qua petitioners Raj Mangal Yadav @ Ram Mangal Yadav, Shiv Murat and Vimla are hereby quashed.

26.02.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE