

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Criminal Misc. No.M-27468 of 2014
Date of Decision: 20th January, 2015

Ramesh Kumar @ Harmesh Kumar and othersPetitioners

Versus

State of Punjab and anotherRespondents

CORAM: Hon'ble Mrs. Justice Daya Chaudhary

- 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. Amit Dhawan, Advocate
for the petitioners.

Mr. P.S. Ghuman, Addl. A.G., Punjab.

Mr. Chandeeep Singh, Advocate for
for respondent No. 2.

DAYA CHAUDHARY, J.(Oral)

The present petition under Section 482 Cr.P.C. has been filed on behalf of petitioners, namely, Ramesh Kumar @ Harmesh Kumar, Jeeto, Vijay Kumar and Anita for quashing of FIR No. 192 dated 24.12.2008, registered under Sections 406, 498-A of IPC, at Police Station Division No.5, Jalandhar, on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners submits that the dispute between the parties has been settled by way of compromise.

A petition under Section 13-B of Hindu Marriage Act was also filed

before the trial Court on the basis of mutual consent and the same has been allowed and decree of divorce dissolving marriage between the parties by way of mutual consent under Section 13-B of Hindu Marriage Act has been passed.

Learned counsel for respondent No.2/complainant has also affirmed the factum of compromise. He further submits that the petition under Section 13-B of Hindu Marriage Act was also filed before the trial Court, which was allowed and decree of divorce has been passed.

Notice of motion was issued on 13.08.2014. Vide order dated 17.10.2014, the parties were directed to appear before the trial Court on 03.11.2014 for recording of their statements with regard to compromise. The trial Court was also directed to send a report with regard to compromise as to whether the compromise arrived at between the parties is genuine and without any pressure from either side.

In response to the aforesaid directions, the parties have appeared before the trial Court and their statements were accordingly recorded. A report along with statements of the parties have been sent by the trial Court, wherein, the factum of compromise has been affirmed. Parties to the dispute have specifically stated that the compromise has been arrived at between them and now they do not want to proceed with the proceedings in future. It has also been mentioned therein that the compromise is as per their free will and without any pressure from either side.

After hearing learned counsel for the parties and on perusal of the statements recorded by the trial Court, it is clear that the dispute between the parties has been settled. The petition filed under Section 13-B of the Hindu Marriage Act has already been allowed.

Since it is a matrimonial dispute, which has been settled by way of compromise; complainant-respondent No.2 has no objection in quashing of the FIR on the basis of compromise; decree of divorce has already been passed under Section 13-B of Hindu Marriage Act by the trial Court, the continuation of the proceedings would be an exercise in futility which will not only be the wastage of valuable time of the Court but it would also not be in the interest of both the parties. This Court has power to quash the proceedings on the basis of compromise.

In view of the facts as mentioned above, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 192 dated 24.12.2008, registered under Sections 406, 498-A of IPC, at Police Station Division No.5, Jalandhar as well as all subsequent proceedings arising therefrom qua Ramesh Kumar @ Harmesh Kumar, Jeeto, Vijay Kumar and Anita are quashed.

20.01.2015
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(DAYA CHAUDHARY)
JUDGE