IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-35463-2010(O&M)
Date of decision : 14.10.2015

Kaushaliya Devi and others

... Petitioners

Versus

State of Haryana and another

...

Respondents

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.R.S.Madan, Advocate
for the appellant.

Mr. Ravi Dutt Sharma, DAG, Haryana.

Mr.P.S.Bawa, Advocate
for respondent No.2.

RAJIVE BHALLA, J.(ORAL)

Prayer in this petition is for quashing of FIR No.1048, dated 05.09.2003, registered under Sections 498-A, 406, 506, 34 of the Indian Penal Code (in short 'IPC') at Police Station City Palwal (Section 307 IPC added at the time of framing of charge).

Counsel for the petitioners submits that in view of compromise dated 20.09.2010, between Deepak Setia and Dimple (respondent No.2), affidavits dated 14.10.2015 filed by them in FAO-

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M-414-2013 and order of even date passed in the aforesaid appeal, recording a full and final settlement between Deepak Setia and Dimple, the FIR and all subsequent proceedings emanating therefrom, may be quashed.

Counsel for respondent No.2 and respondent No.2 who is present in Court, acknowledge the correctness of the settlement dated 20.09.2010, affidavit filed by respondent No.2 in FAO-414-M-2013 and that by order of even date, passed in FAO-M-414-2013, Deepak Setia and respondent No.2 have finally resolved their differences and therefore states that respondent No.2 has no objection if the FIR, charges framed thereon and other proceedings emanating from the FIR are quashed.

Counsel for the State of Haryana submits that as Deepak Setia and respondent No.2 have resolved their matrimonial dispute and the present case is a direct outcome of this dispute, the State would not stand in the way of parties or oppose the quashing of the FIR etc.

We have heard counsel for the parties, appraised the facts, perused the FIR, charge sheet, affidavits filed by Deepak Setia and Dimple in FAO-M-414-2013, considered order of even date passed in aforesaid FAO and are of the firm opinion that Deepak Setia and respondent No.2 have, after a bonafide consideration of the entire matter, resolved all their disputes both civil and criminal arising from

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their matrimonial dispute. The matrimonial dispute between Deepak Setia and respondent No.2 has led to about 20 separate litigations which they have agreed to bring to an end in their entirety. Ms.Dimple, respondent No.2 who is present has also accepted the decree of divorce passed by mutual consent. Deepak Setia and Ms.Dimple (the complainant) have agreed that requisite arrangement shall be made for their minor daughter. The parties have decided to lead their separate lives afresh, leaving behind their ugly past.

Consequently, finding no legal impediment, the petition is allowed, FIR No.1048 dated 05.09.2003 registered under Sections 498-A, 406, 506, 34 of the Indian Penal Code (in short 'IPC') at Police Station City Palwal (Section 307 IPC added at the time of framing of charge), the charge sheet and all subsequent proceedings emanating therefrom are quashed.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

October 14, 2015.
Davinder Kumar

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