

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18128 of 2016
Date of Decision: 30.09.2016

Ketan Malhotra and Others

.....Petitioners

Vs.

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sandeep Jasuja, Advocate, for the petitioners.

Ms.Manpreet Dhaliwal, AAG, Punjab.

Mr.Saurabh Singla, Advocate, for respondent No.2.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.28 dated 18.03.2016, for the offence under Sections 406, 498-A IPC registered at Police Station City-II, Abohar (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise/Memorandum of Understanding (Annexure P-2).

The marriage of petitioner No.1 and respondent No.2 was solemnized on 27.02.2014 at New Delhi as per Hindu Rites and ceremonies and no issue was born out of this wedlock. On account of matrimonial discord, FIR was registered. Thereafter, on the intervention of the respectables and family members, memorandum of understanding was recorded on 09.05.2016 Annexure P-2, whereby all the claims between the parties were decided. Affidavits (Annexure P-3) and (Annexure P-4) have been filed by complainant/respondent No.2 wherein, it has been stated therein that all the dowry articles has been received by her and she would withdraw all the cases

filed by her against the petitioners. Affidavit (Annexure P-5) has been filed by petitioner No.2 stating therein that all the disputes have been settled and he would withdraw the civil suit for injunction against Smt.Sarika Malhotra/respondent No.2 pending in the Court at Delhi. In this connection, complainant-respondent No.2 and petitioners have filed their identity proof vide Annexure P-7 Colly.

On notice, respondent No.2 has filed reply. As per reply, complainant/respondent No.2 has stated that she and petitioner No.1 have decided to part ways by seeking mutual divorce. The complainant/respondent No.2 has further stated that she has also settled divorce alimony and both the parties have also agreed to withdraw the cases filed against each other. Complainant/respondent has already received all her stridhan/dowry articles back from the petitioners and she has executed affidavits (Annexure P-3) and Annexure P-4 with regard to factum of compromise. She has further stated that memorandum of understanding dated 09.05.2016 (Annexure P-2) has been accepted by her with her own free will and consent and she has no objection if the present FIR is quashed qua the petitioners

Accordingly, FIR No.28 dated 18.03.2016, for the offence under Sections 406, 498-A IPC registered at Police Station City-II, Abohar (Annexure P-1) is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

30.09.2016
anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>