

CRM-M-18685 of 2016

Decided on:15.11.2016

Naveen Chandra & Anr.

.... Petitioners

Versus

State of Haryana & Anr.

..... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Balwinder Singh, Advocate
for the petitioners.

Mr. Sanjay Saini, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.495 dated 08.08.2014 under Sections 498-A, 406, 323 IPC registered at Police Station Sector 10, Gurgaon(Annexure P-1).

The petitioner herein was married with respondent No.2 on 09.06.2011. Out of this wedlock a daughter was born to the parties who passed away. Due to temperamental differences that arose between the parties, they are residing separately since 29.04.2014. The respondent/complainant thereafter filed an FIR No.495 against the petitioner herein under Section 498-A, 406, 323 IPC at Police Station Sector 10, Gurgaon which led the petitioner to approach this Court in CRM-M-30564 of 2014 seeking anticipatory bail.

During the course of the proceedings the matter was compromised, on the intervention of the respectables. The counsel appearing for the parties submit that it was decided that the relationship

would be terminated by obtaining a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act. It was agreed that the petitioner would pay a sum of Rs.4.5 lakhs to the respondent in full and final settlement of the claim towards maintenance/ istri dhan/ permanent alimony/ dowry/ marriage expenses etc. This offer came to be accepted by respondent No.2. It was further agreed that the petitioner would make a payment of Rs.2.5 lakhs to the respondent on or before 29.05.2015 and on that date the parties will also file a petition for divorce by mutual consent and the balance amount would be paid on the ground of divorce. Respondent No.2 was also to give an affidavit to the effect that the dispute has been resolved by way of compromise and the petitioner would be entitled to file a petition for quashing of the criminal cases lodged against him by her. The parties herein i.e. the petitioner and respondent No.2. approached competent Court and obtained a decree of divorce under Section 13 B of the Hindu Marriage Act dated 09.04.2016. In the said order, it was noted that respondent No.2 had received a sum of Rs.4.5 lakhs from the petitioner herein and nothing remained due to be paid by the petitioner herein.

In view of the fact that the matter has been compromised in this Court in proceedings in CRM-M-30564 of 2014 disposed of on 24.12.2014, and a decree of divorce has already been granted under Section 13-B of the Hindu Marriage Act on 09.04.2016 and the entire amount has been paid to the respondent herein in terms of the compromise, no useful purpose would be served in allowing the proceedings under the FIR No.495 dated 08.08.2014 under Sections 498-A, 406, 323 IPC registered at Police Station Sector 10, Gurgaon (Annexure P-1). Moreover, as per the terms of the

compromise respondent No.2 has also tendered an affidavit in compliance of the order dated 09.04.2016 which is on record as Annexure P-3. In the said affidavit, it has been deposed that the matter has been fully resolved and the deponent have no objection if the aforementioned FIR is quashed qua the petitioners.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543*, this petition is allowed and FIR No.495 dated 08.08.2014 (Annexure P-1), registered under Sections 498-A, 406 and 323 of the Indian Penal Code at Police Station Sector 10, Gurgaon and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

15.11.2016
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No