

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

**CRM-M No. 19116 of 2016
Date of decision: 07.10.2016**

Amit Kumar

...Petitioner

Vs.

State of Haryana & Another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present : Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana
for respondent No. 1-State.

Mr. Sandeep, Advocate for
Mr. Balraj S. Dhull, Advocate
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 109 dated 02.05.2015, under Sections 406, 498-A and 323 of the IPC, registered at Police Station Chandi Mandir, District Panchkula (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of a compromise dated 04.12.2015 (Annexure P-2).

By an order dated 30.05.2016, the parties were directed to appear before the trial Court on 12.07.2016 or any other date convenient to the Court for recording of their statements with regard to compromise. The trial Court was directed to record the statements of both the parties to its satisfaction regarding the genuineness of the compromise entered into with a direction to the trial Court to send a

report along with statements of the parties.

Pursuant to the order passed, the parties appeared before the learned Additional Chief Judicial Magistrate, Panchkula on 02.08.2016 and got their statements recorded, wherein respondent No. 2 submitted that the compromise is without any pressure, threat or undue influence and has been entered into by her own free will. It is further submitted that she would have no objection in case FIR in question is quashed by the High Court of Punjab & Haryana.

After recording of the said statements, a report has been furnished to this Court wherein, learned ACJM, Panchkula has submitted that the compromise effected between the parties appears to be genuine one and no other case is registered against either of the parties.

Counsel for the parties submit that a petition under Section 13-B of the Hindu Marriage Act, 1955 was also filed for dissolution of marriage by way of mutual consent which has culminated in a decree of divorce under Section 13-B of the Hindu Marriage Act, vide order dated 15.07.2016.

In view of the fact that the matter stands compromised, the marriage stands dissolved by way of a decree of divorce on 15.07.2016, no useful purpose would be served in allowing the proceedings to continue under the FIR in question.

Consequently, in view of the judgment of the Hon'ble Supreme Court in the case of *Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429*, the law laid down by the Full Bench of this Court in the case of *Kulwinder Singh and others Vs. State of*

Punjab and another 2007(3) RCR (Crl.) 1052, the above noted petition is allowed and FIR No. 109 dated 02.05.2015, under Sections 406, 498-A and 323 of the IPC, registered at Police Station Chandi Mandir, District Panchkula (Annexure P-1) is quashed along with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

October 7, 2016
Ansari

(JAISHREE THAKUR)
JUDGE

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