

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

Crl. Misc. No.M-18294 of 2015 (O&M)

Date of Decision: 11.04.2016

Pehlu

....Petitioner

Versus

Khatiza

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Madhu Ranjan, Advocate
for the petitioner.

Mr. Rakesh Dhiman, Advocate
for the respondent.

DAYA CHAUDHARY, J.

Crl. Misc. No.4298 of 2016

This application has been moved for placing on record the reply.

Criminal Misc. Application is allowed and the reply is taken on record.

Crl. Misc. No.M-18294 of 2015

The present petition has been filed under Section 482 Cr.P.C for quashing of Complaint case No.26 dated 17.09.1998 under Sections 498-A, 406, 506 read with Section 34 IPC pending before the Judicial Magistrate Ist Class, Nuh, on the basis of compromise.

Briefly stated, the facts of the case are that the marriage of petitioner was solemnized with respondent on 07.05.1991. Respondent-wife filed a complaint against the petitioner and his parents and hence, they were summoned to face trial. The parents of the petitioner, who were also accused in the said complaint, have been acquitted of the charge by the trial Court. The petitioner was declared as proclaimed offender. Thereafter, a compromise was arrived at between the parties and both of them started to live together. It was agreed in the compromise that the complainant-respondent will withdraw the complaint filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

Learned counsel for the petitioner submits that the dispute between the parties has been settled by way of compromise and on the same set of allegations, co-accused of the petitioner, who are parents-in-law of the complainant have been acquitted of the charge. The dispute between the parties is of matrimonial nature. The complainant-respondent has no objection, in quashing of the complaint and other proceedings arising out of it.

Learned counsel for the petitioner has relied upon the judgment of Division Bench of this Court in case **Satish Sarin and others vs Union Territory, Chandigarh and another 2014(7) RCR (Criminal) 2657**, wherein, the FIR and other proceedings were quashed including the order declaring the accused as a proclaimed offender. Both the petitioner and complainant are present in the Court and they have affirmed the factum of compromise. Certain terms and conditions in writing were settled between the parties, which were duly signed by both the parties as well as witnesses to the compromise, which read as under :-

“ That the marriage between both the parties was solemnized in Village Akera, according to Muslim Rites

and ceremony for the last about 25 years in 1991. Since the marriage both the parties have devoted their married life decently. Subsequently, there has been some misunderstanding between parties consequently, the first party by having been misled filed many cases regarding grant of maintenance, for domestic violence and third for demand of dowry.

That today the Tuesday on 24.03.2015 in the meeting of Panches from Village Akera and Kanwarseka, wherein, during the presence of Mukhte Sahood Nambardar Akera, Abdula son of Hazi Subhan Khan, Mubeen son of Hazi Mohammad Khan resident of Akera and Hakam son of Dhani, Arif son of Hassan Mohammad and Kasim Numberdar resident of Village Kanwarseka, it has been decided that Smt. Khatija daughter of Suraj Mal resident of Akera would withdraw all the cases regarding maintenance, domestic violence against her husband Pehlu and in future she will not claim any maintenance from her husband Pehlu and will not file any petition for maintenance against her husband.

That by virtue of this compromise in presence of aforesaid representatives of biradari, the Panches have decided that Pehlu will provide all the legal rights to his son Parvez and will keep him along with as he is now staying with his mother in the house of her parents in Village Akera.

That this compromise has been entered into by both the parties in presence of witnesses without any pressure and both the parties do not have any objection against the compromise and in future we both the parties shall remain bound by the compromise.”

Learned counsel appearing for the complainant-respondent has also affirmed the factum of compromise. Complainant has specifically stated, while appearing before this Court that she is happy with the compromise and has now no grouse against her husband. She do not want to pursue the complaint and other proceedings arising out of it.

In view of the submissions made by learned counsel for the parties and also the compromise arrived at between the parties as well as the statement made by the complainant in the Court that she is happy in her matrimonial life and considering that no purpose would be served, in case, the proceedings are allowed to continue as the litigation pending between the parties has been withdrawn and co-accused of the petitioner have been acquitted of the charge by the trial Court, the present petition is allowed and Complaint case No.26 dated 17.09.1998 under Sections 498-A, 406, 506 read with Section 34 IPC pending in the Court of Judicial Magistrate Ist Class at Nuh along with all consequential proceedings arising therefrom qua petitioner Pehlu are hereby quashed.

11.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE