IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 29232 of 2015
Date of decision: 03.11.2016

Parveen Kumar & Others

...Petitioners

Versus

State of Haryana & Another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Diwan S. Adlakha, Advocate
for the petitioners.

Mr. Sanjay K. Saini, DAG, Haryana
for respondent No. 1-State

Ms. Ravinder Kaur Manaise, Advocate
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 123 dated 05.06.2014, registered under Sections 406, 498-A, 506 and 34 of the Indian Penal Code at Police Station Naraingarh, District Ambala (Annexure P-1) on the basis of a compromise dated 07.08.2015 (Annexure P-2) effected between the parties.

Petitioner No. 1 Parveen Kumar was married to respondent No. 2 Suman Devi and the marriage was solemnized on 28.02.2009. On account of harassment meeted out to respondent No. 2, the above said FIR was registered. Thereafter, on the intervention of the elders, a settlement came to be arrived at on 07.08.2015 between respondent No. 2 and the petitioners herein. As per the terms of the compromise, it was decided that a divorce petition, under Section 13-B of the Hindu Marriage Act, would be

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filed seeking divorce by way of mutual consent. The custody of the two daughters would remain with respondent No. 2/wife and petitioner No. 1/husband would pay a total sum of ₹10,00,000/- (Rupees ten lacs) towards permanent alimony payable to respondent No. 2 herein and for the maintenance of the minor daughters. It was also agreed that petitioner No. 1 would pay the said amount of ₹10,00,000/- in three installments, the last installment to be paid at the time of second statement being made under Section 13-B of the Hindu Marriage Act. It was also agreed that all civil and criminal cases filed against each other in any court of law would be withdrawn.

This petition came to be filed on 31.08.2015 on which date the parties were directed to appear before the Illaqa Magistrate for recording the statements qua the genuineness of the compromise. However, the parties were unable to appear before the Illaqa Magistrate for recording of their statements, but pursuant to the settlement/compromise arrived at between the parties, a petition, under Section 13-B of the Hindu Marriage Act, was filed on 16.11.2015. The said matter was decided on 18.05.2016, on which date, a decree of divorce was granted. The Additional District & Sessions Judge, Family Court, Ambala noted the statement of the parties wherein it was mentioned that as per the terms of the compromise all the disputes had been settled and that the parties would be bound by the terms and conditions of the compromise entered into.

This Court notes that since one of the terms of the compromise was that all proceedings, be it civil or criminal, would be withdrawn, this

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Court has no hesitation in quashing the FIR in question without insisting on compliance of the order passed for recording of statement before Illaqa Magistrate. This is in view of the fact that part terms of compromise has been adhered to and decree of divorce has been granted and settlement amount of maintenance has been released. The compromise too has been accepted while getting the statement recorded in proceedings under Section 13-B of the Hindu Marriage Act, 1955.

Consequently, by relying upon the judgment in ***Kulwinder Singh and others Vs. State of Punjab and another 2007(3) RCR (Crl.) 1052*****,** FIR No. 123 dated 05.06.2014, registered under Sections 406, 498-A, 506 and 34 of the Indian Penal Code at Police Station Naraingarh, District Ambala (Annexure P-1) is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

November 03, 2016 **(JAISHREE THAKUR)**
Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*

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