

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

**Criminal Misc. No. M-37142 of 2015
Date of decision: 17.05.2016**

Ashish Arora and others

..Petitioners

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether reporters of local newspapers may be allowed to see 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. Damanbir Singh Sobti, Advocate
for the petitioners.

Mr. Sanjay K. Saini, AAG, Haryana
for respondent No.1– State.

Mr. Jagjit Singh, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.128 dated 31.05.2011 registered under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code (for short 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 at Police Station Sector-40, District Gurgaon on the basis of compromise arrived at between the parties.

The aforesaid FIR was registered on the basis of complaint made by respondent No.2. During pendency of the proceedings, a compromise was arrived at between the parties and both the parties have decided to get their marriage dissolved with mutual consent.

Learned counsel for the petitioners submits that a petition

under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') was filed and the same has been allowed. The amount settled between the parties has also been paid to complainant-respondent No.2.

Learned counsel for respondent No.2 has also affirmed the submissions made by learned counsel for the petitioners. Learned counsel also submits that respondent No.2 has received the amount settled between the parties and has no objection in quashing of the FIR and other proceedings.

Heard arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR as well as other documents available on the file including judgment/decreed of divorce dated 07.04.2016 passed in the petition filed under Section 13-B of the Act.

In response to the directions issued by this Court on 03.11.2015, the parties appeared before Judicial Magistrate Ist Class, Gurgaon and their statements with regard to compromise were recorded. A report along with the statements of the parties has been sent, which is on record wherein the factum of compromise has been affirmed. It has also been mentioned in the report that the compromise arrived at between the parties is genuine and without any pressure or coercion. Complainant-respondent No.2 has specifically stated in her statement that the dispute has been settled and it was decided to pay ₹9.5 lacs to the complainant, out of which, an amount of ₹4.5 lacs was paid at the time of recording of first motion statement and the remaining amount was to be paid at the time of recording of second motion statement. She has no objection in quashing of the FIR and other proceedings.

Since the dispute between the parties is of matrimonial nature

and the same has been settled by way of compromise; the petition filed under Section 13-B of the Act has been allowed and the amount settled between the parties has been received by respondent No.2; complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. No purpose would be served in case proceedings are allowed to be continued in future as it would result into wastage of precious time of the Court.

Accordingly, by exercising the powers provided under Section 482 Cr.P.C. and by considering the compromise arrived at between the parties, the present petition is allowed and the criminal proceedings arising out of FIR No.128 dated 31.05.2011 registered under Sections 498-A, 323, 504, 506 read with Section 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 at Police Station Sector-40, District Gurgaon as well as all subsequent proceedings arising therefrom qua petitioners, namely, Ashish Arora, Bindu Arora, Arun Arora, Mukta Gill and Sanvinder Gill, are hereby quashed.

17.05.2016
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(DAYA CHAUDHARY)
JUDGE