

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-37487 of 2015

DATE OF DECISION: 21.04.2016

Rajat Mahna and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper 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. Gursimran Singh, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Mukesh Bhatnagar, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 42 dated 26.6.2014 registered under Section 498-A IPC at Police Station Women Cell (commissionerate) District Jalandhar, Punjab, on the basis of compromise.

Petitioner No.1 is husband, whereas, petitioner No.2 is mother-in-law of complainant-respondent No.2. The marriage between petitioner No.1 and complainant-respondent No.2 was solemnized on 23.4.2014. Subsequently, some differences arose between the parties and they filed various cases against each other. During pendency of the proceedings,

with the intervention of the respectables, the dispute between the parties was settled and on the basis of that settlement, a petition under Section 13-B of the Hindu Marriage Act was also filed for dissolution of the marriage with mutual consent, which was allowed on 4.2.2014. As per compromise arrived at between the parties, the present petition has been filed for quashing of the FIR and other proceedings arising therefrom.

Learned counsel for the petitioners contends that complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings arising therefrom and the same has also been affirmed from the statements of the parties recorded before JMJC, Jalandhar.

Learned counsel appearing for the complainant has also not disputed the submissions made by learned counsel for the petitioners.

On perusal of the compromise arrived at between the parties and also the statements recorded by Judicial Magistrate 1st Class, Jalandhar, as per direction issued by this Court on 2.11.2015, it is apparent that the compromise arrived at between the parties is genuine one and without any force and pressure. A petition under Section 13-B of the Hindu Marriage Act has also been allowed. As per written compromise arrived at between the parties, which has been signed by both the parties, it was agreed that a petition will be filed for quashing of the FIR on the basis of compromise. The complainant has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings arising therefrom.

Since the dispute between the parties is matrimonial in nature and the same has been settled by way of compromise; complainant has no objection in quashing of the FIR and other proceedings, no purpose would be served in case proceedings are continued in future as it would amount to wastage of precious time of the Court. Moreover, it would not be in the

interest of the parties as the complainant is not going to support the case of the prosecution. The purpose of the compromise is to maintain peace and harmony in the relations.

Accordingly, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 42 dated 26.6.2014 registered under Section 498-A IPC at Police Station Women Cell (commissionerate) District Jalandhar, Punjab as well as all subsequent proceedings arising therefrom qua petitioners, namely, Rajat Mahna and Sunita Mahna, are hereby quashed.

April 21, 2016
pooja

(DAYA CHAUDHARY)
JUDGE