

Crl. Misc. No. M-3985 of 2015

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-3985 of 2015

DATE OF DECISION: 31.05.2016

Radhe Shyam and others

.....Petitioners

Versus

State of Haryana 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:- Ms. Tanu Bedi, Advocate
for the petitioners.

Ms. Trishanjali Sharma, AAG, Haryana.

Mr. Aditya Jain, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 296 dated 19.11.2014 registered under Sections 376/377/406/498-A/323/506/120-B IPC at Police Station Sector 31, Faridabad, on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners contends that the matter has been compromised between the parties and the same was reduced into writing and was signed by both the parties in the presence of witnesses.

Copy of the compromise deed is annexed as Annexure P-3 with the petition. As per terms and conditions of the compromise, a petition under Section 13-B of the Hindu Marriage Act was filed for grant of decree of divorce with mutual consent and the same has been allowed on 30.5.2016 by learned District Judge, Family Court-II, Faridabad. Learned counsel further contends that all the terms and conditions of the compromise have been complied with and the amount settled therein has also been paid to complainant-respondent No.2 and all the cases filed against each other have been withdrawn by the parties. The complainant now has no objection in quashing of the FIR and other proceedings.

Learned counsel for respondent No.2 has not disputed the submissions made by learned counsel for the petitioners and has specifically stated that the amount settled in the compromise has been received by complainant-respondent No.2 and now she has no grouse against the petitioners as well as in quashing of the FIR and other proceedings.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR as well as terms and conditions of the compromise.

Admittedly, the matter has been settled between the parties and the petition filed under Section 13-B of the Hindu Marriage Act has also been allowed. The complainant is satisfied with the compromise and has received the amount settled therein and as such has no objection in quashing of the FIR and other proceedings.

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, by exercising the powers conferred under Section 482 Cr.P.C. and keeping in view the interest of the parties, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 296 dated 19.11.2014 registered under Sections 376/377/406/498-A/323/506/120-B IPC at Police Station Sector 31, Faridabad as well as all subsequent proceedings arising therefrom qua petitioners, namely, Radhe Shyam, Pankaj, Jagbir and Shashi are hereby quashed.

May 31, 2016
pooja

(DAYA CHAUDHARY)
JUDGE