

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

Crl. Misc. No.M-40066 of 2015

Date of Decision: 21.01.2016

Rakesh Kumar alias Kaka and othersPetitioners

Versus

State of Punjab and anotherRespondents

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. Ashish Aggarwal, Advocate
for the petitioners.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

None for respondent No.2.

DAYA CHAUDHARY, J.

This petition has been filed under Section 482 Cr.P.C by the petitioners, namely, Rakesh Kumar alias Kaka, Roop Rani, Raj Kumar alias Raju and Pooja for quashing of FIR No.365 dated 04.09.2009 registered under Sections 406 and 498-A IPC at Police Station Civil Lines, District Amritsar City on the basis of compromise arrived at between the parties.

Complainant-respondent No.2 was married to petitioner No.1 on 21.10.2008 and no child was born out of the said wedlock. As there were certain differences in their matrimonial life, hence, they started remaining separately. Due to strained relations between the parties, a

complaint was made by respondent No.2, on the basis of which, the said FIR was registered against the petitioners. However, during pendency of the proceedings, a compromise was arrived at between the parties with the intervention of family members and relatives, which was reduced into writing. As per terms and conditions of the settlement between the parties, petitioner No.1 was to pay an amount of ₹ 60,000/- to his wife as permanent alimony and to hand over all the dowry articles and *istreedhan*. A divorce petition under Section 13-B of the Hindu Marriage Act was also filed. After recording the statements of the parties, divorce was granted with mutual consent. All dowry articles and *istreedhan* have been returned to the complainant wife. Thereafter, the present petition has been filed by the petitioner for quashing of FIR on the basis of compromise.

As per directions issued by this Court on 28.11.2015, parties appeared before the Judicial Magistrate Ist Class, Amritsar and their statements were recorded, wherein, the factum of compromise has been affirmed. After recording the statements of the parties, the report has been sent by the Judicial Magistrate Ist Class, Amritsar along with statements of the parties.

On perusal of statements of the parties, it is apparent that the amount of permanent alimony has been paid to the wife. The petition filed under Section 125 Cr.P.C has been withdrawn. It is also apparent that as per compromise arrived at between them, all terms and conditions of the compromise have been complied with. The complainant has no objection in quashing of the FIR as well as subsequent proceedings arising therefrom. All dowry articles including *istreedhan* have been received by the complainant in terms of compromise. The continuation of the proceedings would be a futile exercise as no purpose would be served as the complainant is not going to support the case of the prosecution. It would be

in the interest of justice as well as for betterment of both the parties, if the present petition is allowed and the subsequent proceedings arising therefrom are quashed as the dispute is of matrimonial nature.

In view of the above, the present petition is allowed and FIR No.365 dated 04.09.2009 registered under Sections 406 and 498-A IPC at Police Station Civil Lines, District Amritsar City along with all subsequent proceedings arising therefrom qua petitiones, namely, Rakesh Kumar alias Kaka, Roop Rani, Raj Kumar alias Raju and Pooja, are hereby quashed.

21.01.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE