

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-43364 of 2015

DATE OF DECISION: 23.02.2016

Hemant Joshi

.....Petitioner

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. Aayush Gupta, Advocate
for the petitioner.

Mr. T.N. Sarup, Addl. A.G., Punjab.

Respondent No.2 in person.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 48 dated 28.5.2014 registered under Sections 406,498-A IPC at Police Station Women, District Ludhiana on the basis of compromise arrived at between the parties before the Pre-Lok Adalat on 7.11.2015.

Briefly the facts of the case are that complainant-respondent No.2 made a complaint against the petitioner and other family members, on the basis of which, aforesaid FIR was registered. However, the challan was presented against the petitioner only as other members were found not to be involved in the case. During pendency of the proceedings, a compromise was arrived at between the parties before Pre-Lok Adalat,

wherein, it was agreed that both the parties will file a petition under Section 13-B of the Hindu Marriage Act for grant of divorce with mutual consent. The petitioner will pay an amount of ₹ 7 lacs in lump-sum to respondent No.2 as past, present and future maintenance. Out of total amount of ₹ 7 lacs, ₹ 2 lacs was to be paid at the time of first motion statement in a petition filed under Section 13-B of the Hindu Marriage Act and the remaining amount of ₹ 5 lacs was to be paid at the time of recording of the second motion statement. Both the parties also agreed to withdraw all the cases filed against each other. Complainant-respondent No.2 was to make a statement for quashing of the FIR and other proceedings arising therefrom.

Learned counsel for the petitioner contends that a petition under Section 13-B of the Hindu Marriage Act has been filed, wherein, statement of first motion has been recorded and now the case is fixed for hearing on 1.7.2016. He further contends that the factum of compromise between the parties has also been affirmed by complainant-respondent No.2 in her statement recorded before the trial Court, as per direction issued by this court on 21.12.2015.

Respondent No.2 is present in Court today and has also affirmed the factum of compromise. She has also stated that she has no objection in quashing of the FIR and other proceedings.

The dispute between the parties has been settled by way of compromise and a petition under Section 13-B of the Hindu Marriage Act has also been filed, wherein, statement of first motion has been recorded. A perusal of report sent by JMIC, Ludhiana would show that the statements of the parties have been recorded, as per direction issued by this Court. It is also apparent from the statement that the compromise has been arrived at between the parties with the intervention of the

respectables and the same is as per their free will. As per terms and conditions of the compromise arrived at between the parties, payment in part has been made to complainant-respondent No.2 and the remaining amount will be paid to her after recording the statement of second motion in the petition filed under section 13-B of the Hindu Marriage Act. Complainant-respondent No.2 while recording her statement before JMJC, Ludhiana has stated that she has no objection in quashing of the FIR registered against the petitioner. Even while appearing in person before this Court, she has stated that she has no objection in quashing of the FIR.

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 will result in 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. 48 dated 28.5.2014 registered under Sections 406,498-A IPC at Police Station Women, District Ludhiana as well as all subsequent proceedings arising therefrom qua petitioner, namely, Hemant Joshi are hereby quashed.

February 23, 2016
pooja

(DAYA CHAUDHARY)
JUDGE