

Crl. Misc. No. M-6223 of 2016

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-6223 of 2016

DATE OF DECISION: 27.05.2016

Prince Atreja

.....Petitioner

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:- Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

Ms. Shailja Sharma, 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. 672 dated 8.7.2013 registered under Sections 406,498-A,323,506,34 IPC at Police Station City Karnal, District Karnal, on the basis of compromise arrived at between the parties.

Marriage between the petitioner and respondent No.2 was solemnized on 20.11.2011 and out of the said wedlock, one female child was also born on 7.1.2013. Both the parties could not pull on their matrimonial life together and aforesaid FIR was registered by respondent

No.2, wherein, certain allegations of demand of dowry and harassment were levelled. Subsequently during pendency of the proceedings, with the intervention of the relatives and respectables, the matter was compromised between the parties with certain terms and conditions and the same was reduced into writing. It was decided that both the parties will file a divorce petition under Section 13-B of the Hindu Marriage Act and an amount of ₹ 7,50,000/- was settled to be paid in lumpsum as permanent alimony to respondent No.2 and her daughter. Out of the total amount, a sum of ₹ 2,50,000/- was to be paid at the time of recording of first motion statement in divorce petition and the remaining amount was to be paid at the time of recording of second motion statement. It was also decided that the custody of minor child will not be claimed by the petitioner-husband.

Learned counsel for the petitioner contends that the petition filed under Section 13-B of the Hindu Marriage Act has already been allowed and the marriage has been dissolved with mutual consent. The amount settled in the compromise has been paid to respondent No.2 and the petition filed under Section 125 Cr.P.C. by respondent No.2 has also been withdrawn. Complainant-respondent No.2 has made a specific statement before JMIC, Karnal that she has no objection in quashing of the FIR and other proceedings.

Learned counsel for complainant-respondent No.2 has not disputed the submissions made by learned counsel for the petitioners.

Heard the arguments advanced by learned counsel for the parties and have also gone through the allegations levelled in the FIR, compromise arrived at between the parties and also the statements of the parties recorded in compliance of order dated 23.2.2016 along with the

report sent by JMIC, Karnal.

The factum of compromise has been affirmed by both the parties and terms and conditions of the written compromise have also been complied with. The marriage between the petitioner and respondent No.2 has been dissolved by way of decree of divorce with mutual consent. The amount settled in the compromise has been paid to respondent No.2 as permanent alimony.

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. 672 dated 8.7.2013 registered under Sections 406,498-A,323,506,34 IPC at Police Station City Karnal, District Karnal as well as all subsequent proceedings arising therefrom qua petitioner, namely, Prince Atreja, are hereby quashed.

May 27, 2016
pooja

(DAYA CHAUDHARY)
JUDGE