

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14155-2017

Date of Decision:- 30.05.2017

Hoshang Vashisht and another

....Petitioners

Versus

State of U.T. Chandigarh. and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. I.S. Chawla, Advocate,
for the petitioner.

Mr. Sukant Gupta, Advocate, for U.T., Chandigarh

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.10 dated 05.01.2016, under Sections 406 and 498-A IPC, registered at Police Station Women Cell, Sector 17, Chandigarh, on the basis of compromise/settlement dated 29.08.2016 (Annexure P-2).

Brief facts of the case are that marriage between petitioner No.1 and respondent No.2 was solemnized on 03.12.2014 as per Hindu Rites and Ceremonies. No child was born out from the said wedlock. Due to incompatibility of temperament, both the parties could not live together as husband and wife. The relationship between them became strained and thereafter, the F.I.R was registered against the petitioners.

Learned counsel for the petitioners submits that keeping in view the peace and harmony, the matter has now been amicably settled between the parties with the intervention of respectable persons, vide compromise/settlement dated 29.08.2016 (Annexure P-2).

Pursuant to above-said settlement, learned counsel for the petitioners has made a payment of sum of ₹4,00,000/- to the complainant, today in the Court.

During the course of preliminary hearing, the trial Court, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise/settlement dated 29.08.2016 (Annexure P-2), by way of order dated 27.04.2017, by this Court.

In compliance of order dated 27.04.2017 of this Court, the report of the Judicial Magistrate 1st Class, Chandigarh dated 26.05.2017 has been received. As per the report, the statements of all the concerned parties have been recorded and the complainant has no objection, if the present FIR registered against the petitioners is quashed. Statements of the petitioners and complainant have been recorded to the same effect.

Consequently, in view of the above-said report and in view of the judgments of the Hon'ble Supreme Court in **Dr. Arvind Barsaul etc. Vs. State of Madhya Pradesh and another**, 2008(2) RCR (Criminal) 910; **Madan Mohan Abbot vs. State of Punjab**, 2008(2) RCR (Criminal) 429 and the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another**, 2007(3) RCR (Crl.) 1052, no useful purpose would be served in prolonging the litigation.

Accordingly FIR No.10 dated 05.01.2016, under Sections 406 and 498-A IPC, registered at Police Station Women Cell, Sector 17, Chandigarh and all the subsequent proceedings arising therefrom qua petitioners are hereby quashed, on the basis of compromise/settlement dated 29.08.2016 (Annexure P-2).

The present petition stands disposed of.

May 30, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No