

CRM -M-16916 of 2017

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In the High Court of Punjab and Haryana at Chandigarh

CRM -M-16916 of 2017

Date of Decision: 12.5.2017

Naresh Garg

---Petitioner

versus

State of Haryana and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Rajesh Bansal, Advocate
for the petitioner**

Ms. Dimple Jain, AAG, Haryana

**Mr. Narayan Prasad, Advocate
for respondent No.2
with respondent No. 2 in person**

Rekha Mittal, J.

The petitioner has prayed for quashing of FIR No. 122 dated 8.6.2016 for offence punishable under Section 498-A of the Indian Penal Code (in short "IPC") registered at Police Station, Narwana City, District Jind on the basis of compromise dated 5.5.2017 (Annexure P-2).

In the instant case, the FIR was registered on the statement of respondent No.2-complainant Pooja Garg. Now the matter has been amicably settled between the parties.

Respondent No.2-complainant is present in Court with her counsel. Affidavit of respondent No.2 filed in Court is taken on record. Her

statement was recorded and a relevant extract therefrom is quoted thus:-

“I was married to Naresh Garg petitioner on 29.3.2008. There is one daughter aged about 4½ years born out of the wedlock and the child is in my custody. FIR No. 122 dated 8.6.2016 under Section 498-A of the Indian Penal Code at Police Station, Narwana District Jind was registered at my instance. The dispute between me and my husband has been settled by way of compromise and in pursuance thereof, we have already filed a petition under Section 13-B of the Hindu Marriage Act, 1955 and our statements in first motion have already been recorded but the second motion statements are yet to be recorded. I have filed my original affidavit attested on 5.5.2017 today in the court and the same may be read as a part of my statement. I have got no objection if the aforesaid FIR and proceedings emanating therefrom are ordered to be quashed. The petitioner is not a proclaimed offender rather he has been facing the proceedings pending before the trial court now fixed for 6.6.2017.”

Counsel for the petitioner submits that as the parties have amicably settled their differences, no useful purpose would be served by continuation of the criminal proceedings.

Counsel for the petitioner and respondent No. 2 have not disputed contention of the petitioner that the parties have arrived at an amicable settlement.

I have heard counsel for the parties and perused the records.

There is nothing on record to doubt correctness of the compromise effected between the parties, whereby they have decided to settle their dispute with an intention to live in peace and harmony. The present case falls in the category of cases, which can be allowed to be settled by way of compromise, in view of the decision of Hon'ble the Supreme Court of India in *Gian Singh v. State of Punjab and another, 2012(4) R.C.R. (Criminal) 543*.

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 122 dated 8.6.2016 for offence punishable under Section 498-A IPC registered at Police Station, Narwana City, District Jind and proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(Rekha Mittal)
Judge

12.5.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No