

**CRM -M-40867 of 2016**

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**In the High Court of Punjab and Haryana at Chandigarh**

**CRM -M-40867 of 2016**

**Date of Decision: 7.2.2017**

**Mahesh Sahai and others**

**---Petitioners**

**versus**

**State of Punjab and another**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. K.S.Dadwal, Advocate  
for the petitioners**

**Mr. Mikhail Kad, AAG, Punjab**

**Mr. Jatinder Pal Singh, Advocate  
for respondent No.2  
with Neetu, respondent No. 2 in person**

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**Rekha Mittal, J.**

The petitioners have prayed for quashing of FIR No. 148 dated  
2.6.2013 for offence punishable under Sections 498-A, 406 of the Indian

Penal Code (in short “IPC”) registered at Police Station, City Ferozepur, District Ferozepur and proceedings emanating therefrom on the basis of compromise(Annexures P-2)

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

Respondent No.2-complainant is present in Court with her counsel. Affidavit dated 7.2.2017 of respondent No.2 filed in the Court is taken on record. Statement of respondent No. 2 was recorded and an extract therefrom reads thus:-

“FIR No. 148 dated 2.6.2013 for offence under Sections 498-A and 406 IPC was registered at Police Station, City Ferozepur, District Ferozepur at my instance against Mahesh Sahai, Mohinder Sahai and Achla. On completion of investigation, challan was presented in the Court and the trial is pending. None of the petitioners has been declared as a proclaimed offender and all of them are attending to the proceedings before the court below. Dispute between me and the petitioners

has been settled by way of compromise in the Mediation and Conciliation Centre of this Court on 30.10.2015 (Annexure P-2). In pursuance of the compromise, a joint petition for divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955 was filed by me and my husband Mahesh Sahai and a decree of divorce was passed by the Court at Ferozepur on May 23, 2016. In view of settlement (Annexure P-2) I have got no objection if the criminal proceedings initiated against the petitioners in view of the aforesaid FIR are quashed. My affidavit filed in the Court may be read as a part of my statement.”

Counsel for the petitioners submits that as the parties have amicably settled their differences and petition under Section 13-B of the Hindu Marriage Act, 1955 has also been filed, no useful purpose would be served by continuation of the criminal proceedings.

Counsel for respondent No. 2 has not disputed 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 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. 148 dated 2.6.2013 for offence punishable under Sections 498-A, 406 IPC registered at Police Station, City Ferozepur, District Ferozepur and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

**(Rekha Mittal)**  
**Judge**

**7.2.2017**

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No