

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-42023-2017
Date of Decision: 20.11.2017**

Shantanu Gaur & others

...Petitioners

Versus

State of Haryana & another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ishan Kaushal, Advocate for
Mr. Karanvir Singh Khehar, Advocate
for the petitioners.

Mr. P. P. Chahar, DAG, Haryana.

Mr. Karan Pathak, Advocate
for respondent No. 2/complainant.

Parties in person.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 544 dated 20.09.2014, registered under Sections 498-A, 406, 323 and 34 of the Indian Penal Code at Police Station Sector 7, Faridabad and all subsequent proceedings arising therefrom in view of the compromise dated 27.09.2017 (Annexure P-3) entered into between the parties.

In brief, the facts are that respondent No. 2/complainant Richa Vasisht solemnized a marriage on 03.02.2012 with petitioner No. 1-Shantanu Gaur. Out of this wedlock, a son was born on 16.05.2013. The marriage did not survive and differences arose between the parties which

led to the filing of the aforesaid FIR. An effort was made by this Court to settle the matter amicably and parties were referred to the Mediation and Conciliation Centre of this Court. The parties were not able to settle their dispute amicably, however, another effort was made to get the matter settled which was fruitful. The terms of the settlement were recorded on 27.09.2017 before the Mediation and Conciliation Centre of this Court and in terms of the settlement, petitioner No. 1 has agreed to resolve all disputes and pay a sum of Rs. 25 Lakh as full and final settlement towards all future claims of both, the complainant/respondent No. 2 and the minor child. In terms of the settlement, the complainant/respondent No. 2 has received a sum of Rs. 25 Lakh for herself and the minor child by way of three demand drafts copies of which have also been retained on the case file. In terms of the settlement, a petition under Section 13-B of the Hindu Marriage Act has also been filed and statements have been recorded therein.

In normal course, this Court would have referred the parties to the trial Court/Illaq Magistrate for recording of their statements regarding the genuineness of the compromise, however, since the matter has been compromised through an effort made by this Court and by reducing the terms of the agreement in writing before the Mediation and Conciliation Centre of this Court which has been duly signed by the parties, there is no need to refer the parties to the trial Court/Illaq Magistrate for recording of their statements.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in *Narinder Singh & others vs. State of Punjab & another, (2014) 6 SCC 466*, this petition is allowed and FIR No. 544 dated 20.09.2014,

registered under Sections 498-A, 406, 323 and 34 of the Indian Penal Code at Police Station Sector 7, Faridabad and all subsequent proceedings arising out of the same are quashed qua the petitioners herein.

The petition stands disposed of.

However, the complainant/respondent No. 2 is at liberty to revive the instant petition in case the terms of the compromise are not adhered to by the petitioners herein.

20.11.2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No