

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

**CRR No. 445 of 2015 (O&M)
Date of decision: 02.03.2017**

Court on its own motion

Versus

State of Haryana

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: By post.

Mr. Ramesh Kumar, AAG, Haryana
for the State.

Mr. Sandeep K.Sharma, Advocate,
for complainant-Dr. Rohita.

Mr. Naveen Sharma, Advocate,
for the accused persons.

LISA GILL, J.

Affidavit dated 06.02.2017 of Ram Mehar Rathi, one of the accused in FIR No. 156 dated 25.04.2012 has been filed in court today with a copy thereof to the learned counsel for the respondents. The same is taken on record subject to just exceptions.

It is submitted that during pendency of this petition, the dispute between the parties has been amicably resolved. FIR No. 156 dated 25.04.2012, registered under Sections 498-A, 323, and 506 of the Indian Penal Code ('IPC' for short) at Police Station Surajkund District Faridabad was registered at the behest of respondent/complainant Dr. Rohita. An application was filed by the accused-persons for determination of territorial jurisdiction, as it was pleaded that the learned Court at Faridabad has no jurisdiction to decide the matter. The matter was decided by the learned Judicial Magistrate 1st Class, Faridabad vide order dated 31.10.2014, observing that the Courts at Faridabad had no jurisdiction to entertain the said case. Accordingly, a report under Section 407 (2) Cr.P.C. was submitted

before this Court. The present revision petition arises on account of the said reference.

Sh. Naveen Kumar, Advocate, learned counsel for the accused persons submits that the matter has been amicably resolved between the parties and Criminal Miscellaneous No. M-25900 of 2016 has been filed for quashing of the above mentioned FIR on the basis of a settlement arrived at between the parties. As per affidavit dated 06.02.2017 of Ram Mehar Rathi, the terms of the settlement have been acted upon. Divorce by mutual consent has been granted to the complainant and co-accused Himanshu on a petition filed by them under Section 13-B of the Hindu Marriage Act, 1955. Therefore, the accused do not wish to press the application for determination of territorial jurisdiction.

In view of the settlement arrived at between the parties, the learned counsel for the accused persons seeks to withdraw the application for determining the territorial jurisdiction and submits that the present petition is thus rendered infructuous.

In the facts and circumstances of the case as narrated above, the accused persons are permitted to withdraw the application for determination of territorial jurisdiction. Consequently order dated 31.10.2014 is rendered ineffectual and this instant revision petition is rendered infructuous. Disposed of accordingly.

(LISA GILL)
JUDGE

02.03.2017

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Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.