

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

CRM-M No.14612 of 2018

Date of decision : 28.05.2018

Shiva Verma and others

.....Petitioners

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Robert Kanwar, Advocate for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

Ms. Sushma Chopra, Advocate for respondent No.2.

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DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short – 'the Cr.P.C.') for quashing of FIR No.13 dated 02.03.2017 registered under Sections 323/406/498-A and 120-B of the Indian Penal Code, 1860 at Women Police Station, Panchkula on the basis of compromise arrived between the petitioners and the complainant.

Said FIR was registered by complainant-respondent No.2. During pendency of the proceedings, a compromise was arrived between the parties and they settled their dispute amicably. It was agreed that a divorce petition under Section 13-B of the Hindu Marriage Act, 1955 (for short –

'the HM Act') would be filed with mutual consent. Thereafter, the divorce petition was filed under Section 13-B of the H.M. Act at District Court (Family Court), Panchkula on 01.02.2018 and the statements of the parties were recorded. As per the compromise, it was agreed that all the cases filed by the complainant would be withdrawn. The statements of the parties were recorded wherein the complainant has specifically stated that she has compromised with the accused party and the compromise is genuine and has been entered into with free will without any undue influence. At the end, she has stated in her statement that she has no objection in quashing of FIR in view of the compromise arrived with the accused.

Learned counsel for the petitioners as well as learned counsel for the complainant has submitted that they have no objection in quashing of the FIR on the basis of compromise.

Since it is a matrimonial dispute and the same has been settled between the parties. A petition under Section 13-B of H.M. Act has been filed for grant of divorce with mutual consent. Continuation of the proceedings would be a futile exercise as complainant is not going to support the prosecution case. It would not only be a mere wastage of valuable time of the Court but it would not also be in the interest of both the parties.

In view of compromise arrived between the parties and by exercising the powers provided under Section 482 Cr.P.C. and also by considering the statements of the parties, which are not based on any pressure from either side, the present petition is allowed and all criminal

proceedings arising out of FIR No.13 dated 02.03.2017 under Sections 323, 406, 498-A and 120-B IPC registered at Women Police Station, Panchkula are hereby quashed.

28.05.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No