

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

**CRM-M-16860-2017 (O&M)
Date of Decision: 30.04.2018**

Pankaj Aneja and others

....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Mandeep S. Khillan, Advocate
for the petitioner(s).

Mr. Arun Kumar, A.A.G., Haryana.

ANITA CHAUDHRY, J

The instant petition is for quashing of FIR No.11 dated 08.01.2010 registered under Sections 420/498-A of IPC and under section 3/4 of Dowry Prohibition Act at Police Station Raipur, District Dehradun and all the consequent proceedings arising out of the same, on the basis of written compromise arrived at between the parties.

The FIR in this case had been registered in Uttarakhand and subsequently the trial was transferred by the Apex Court to Karnal. Therefore, the petition has been filed for quashing of the FIR in this High Court.

Notice of the petition had been given to the respondent and respondent No.2 had also appeared in person on 25.09.2017. The parties were directed to appear before the trial Court to make the statements on 16.02.2018. The complainant failed to appear. The petitioner side made

the statements on 26.02.2018 and 05.03.2018 but the complainant did not appear.

Counsel for the petitioner contends that the parties agreed to end the marriage and they were to file a petition under Section 13-B of the Hindu Marriage Act which was allowed and the complainant has taken the benefit and the amount was agreed but now she is refusing to appear to make a statement.

The complainant had appeared in this Court and the parties were asked to appear before the trial Court to get the statement recorded but she failed to appear. There was a written compromise (Annexure P-2) according to which she was to cooperate in getting the FIR quashed. The parties had also agreed to file a joint petition under Section 13-B of the Hindu Marriage Act and the petitioner was to pay Rs.7 lacs. The amount was paid and the marriage was dissolved by mutual consent in August, 2015 but the complainant is now not coming forward.

In the light of these circumstances, the complainant cannot be allowed to backout after having got benefit under the compromise. The petition is allowed and the FIR is quashed.

April 30, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No