

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

Crl. Misc. M 28474 of 2016 (O&M)
Date of decision: 20.9.2018

Mandeep Sharma and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Surinder Garg, Advocate
for the petitioners.

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

Mr. B.S. Sidhu, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 446 dated 25.12.2014 (Annexure P/1) registered under Sections 406, 498-A, 323/34 IPC at Police Station City Dabwali, District Sirsa and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

In brief the facts are that the marriage between petitioner No.1 —Mandeep Sharma and respondent No.2—Kritika Sharma was solemnized on 19.2.2011, out of which a male child was born. However, due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid FIR has been registered on the statement of complainant-Kritika Sharma.

During the pendency of the petition, the matter was compromised between the parties and ultimately in terms of the compromise, a petition under Section 13-B of the Hindu Marriage Act for decree of divorce by mutual consent was filed, which stands allowed.

Petitioner No.1 as well as the complainant is present in Court today.

Today when the case was taken up, this Court is informed that the complainant has withdrawn two cases that were filed by her against Mandeep Sharma—petitioner No.1. As far as Mandeep Sharma-petitioner No.1 is concerned, he has already moved an application for withdrawing the suit for mandatory injunction filed by him and pending before the Court of Additional Civil Judge (Senior Division), Giddarbaha, i.e. Civil Suit No. 104/2018 in which notice has been issued by the Civil Judge (Senior Division), Giddarbaha, to the defendants therein. Another suit that has been filed by Mandeep Sharma i.e. Civil Suit No. 153 dated 23.12.2015 stands dismissed in default on account of his non-appearance.

Learned counsel for the petitioner No.1, who is present in Court, submits that he will not move any application for restoration of the civil suit No. 153 dated 23.12.2015 that stands dismissed in default and would continue to pursue the application filed for seeking withdrawal of the Civil Suit No. 104 of 2018.

At this stage, the complainant submits that there is another civil suit that has been filed by Mandeep Sharma against a doctor, which is again pending in the Court at Giddarbaha.

Learned counsel for the petitioners submits that the suit so filed against the doctor would also be withdrawn.

The oral undertaking given in the Court in the presence of counsel for petitioner No.1 is accepted. The petitioner shall be bound by the statement made in the Court.

Learned Deputy Advocate General, Haryana, on instructions from the Investigating Officer, submit that in case the parties have indeed settled their matrimonial dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the parties and have also gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their matrimonial dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Consequently, keeping in view the fact that matrimonial dispute has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another (2014) 6 SCC 466**, this petition is allowed and FIR No. 446 dated 25.12.2014 (Annexure P/1) registered under Sections 406, 498-A, 323/34

IPC at Police Station City Dabwali, District Sirsa, and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

Before parting with the order, a request has been made by petitioner No.1 that the complainant—Kritika Sharma has changed the name of the minor child from “Mahish Mahey” to “Manraj Sharma”. As per Kritika Sharma, the name was changed as its meaning did not have much relevance. However, she would have no objection, in case the child is called and known as Manraj Sharma @ Mahish Mahey.

20.9.2018

prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No