

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

CRM-M-3607-2019 (O&M)
Date of decision : 07.10.2019

Sushil Kaushik

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parveen Gupta, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

In spite of service of notice of this petition, respondent No.2
is not present.

Prayer in the present petition is for quashing of FIR No.0494
dated 09.08.2015 registered under Sections 498-A, 323, 406, 506 and 34
of the Indian Penal Code at Police Station Sector 5, Gurgaon, Haryana.

Learned counsel for the petitioner points out that the
aforesaid FIR is result of matrimonial discord between the parties. He
draws attention of the Court to the settlement deed Annexure P-1 dated
25.10.2018 arrived at between first informant and the petitioner. As per
the aforesaid settlement, it was agreed that respondent No.2 shall get the

criminal prosecution launched pursuant to the FIR No.494 dated 09.08.2015 quashed. Relevant part of Clause 12 (e) is extracted as under:-

“The second party shall also take necessary steps including filing of quashing petition and/or other applications needed to terminate the FIR bearing No.0494 dated 09.08.2015, P.S. Sector-5, Gurgaon for offences punishable under Section 498A/323/406/506/34 IPC against party No.1 and his family members. All the allegations made in the above FIR shall be unconditionally withdrawn by the second party/wife.”

Learned counsel for the petitioner has also drawn attention of the Court to the order passed by the Family Court, Gurugram dated 25.10.2018 dissolving the marriage by mutual consent. In the aforesaid order, reference is to the settlement deed. Order passed by the Family Court is extracted as under:-

“I have compromised the matter with the petitioner. We have decided to dissolve our marriage by mutual consent. We have executed a settlement deed (Ex.C1) which is duly signed by me and the petitioner. Copy of the settlement deed has been produced on the court file. We will file a joint petition under Section 13B of Hindu Marriage Act for dissolution of our marriage by mutual consent. I have received a cheque bearing No.618549 dated 25.10.2018 for Rs.46,90,000/- in my favour. In the said cheque a sum of Rs.1,90,000/- is also included which was arrears of maintenance till October 2018. I have received another cheque No.618548 dated 25.10.2018 favouring my daughter Amaira under my guardianship.”

Learned counsel for the State has no objection to quashing of

the criminal prosecution.

Keeping in view the facts of the case, this Court is of the view that the continuation of proceedings shall result in abuse of the process of the Court particularly when the parties have already settled their dispute and have got their marriage dissolved through mutual consent. Hence, FIR No.0494 dated 09.08.2015 registered under Sections 498-A, 323, 406, 506 and 34 of the Indian Penal Code at Police Station Sector 5, Gurgaon, Haryana and subsequent proceedings are quashed.

Accordingly, the present petition is allowed.

07.10.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No