

268.

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

**CRM-M-40342-2018**

Date of decision:22.01.2019.

LALIT PRASHAR

... Petitioner

versus

STATE OF HARYANA AND ANR

.... Respondents

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA**

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Present:     Mr. Jagjot Singh, Advocate, for  
                 Mr. Kunal Dawar, Advocate,  
                 for the petitioner.

                 Mr. Manish Bansal, DAG, Haryana,  
                 for respondent No.1.

                 Mr. Rohit Rana, Advocate,  
                 for respondent No.2.

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**HARI PAL VERMA, J.(Oral)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.212 dated 01.04.2016 registered under Sections 498-A, 406 IPC at Police Station Ballabhgarh City Faridabad, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of joint statement dated 28.08.2018 (Annexure P-3).

The statement of the parties made before the Family Court at Faridabad on 28.08.2018 reads as under:-

*“We were married on 30.1.2013 in accordance with Hindu rites and ceremonies at Faridabad. From this wedlock, one daughter namely Deeksha was born on 20.3.2014. However, due to temperamental differences, we could not adjust ourselves and are living separately since 25.01.2016. The efforts made by our*

*relatives and friends for our reunion have also failed and now there is no possibility of our reunion and we have decided to get our marriage dissolved by way of decree of divorce by way of mutual consent. All the dispute between us have been settled amicably for a sum of Rs.5.5 lac regarding permanent alimony as full and final settlement towards maintenance allowance for past, present and future and Istridhan, etc. Out of which an amount of Rs.3 lac in cash has been paid by the petitioner no.2-husband to petitioner no.1-wife. The remaining amount of Rs.2.5 lac shall be paid by the petitioner no.2-husband to the petitioner no.1-wife at the time of second motion. The custody of above said child would remain with petitioner no.2-father. We have no claim whatsoever against each other. We shall be bound by our statement, and the contents of our joint petition filed under section 13B of HMA. Petitioner no.1-wife is accompanied by her brother-Sh. Vivek Sharma and petitioner no.2-husband is accompanied by his father Sh. Ram Prakash Parashar. We, therefore, pray that our marriage may kindly be dissolved by way of decree of divorce by mutual consent.”*

This Court vide order dated 14.09.2018 had directed the parties to appear before the trial Court/Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Faridabad and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 20.11.2018 to the effect that the compromise has been effected between the parties voluntarily, without any threat, pressure, undue influence or fraud. The complainant has no objection in case the FIR

Respondent No.2-complainant, namely, Asha Sharma made her statement with regard to compromise before learned Magistrate on 20.11.2018. The same is reproduced as under:-

*“Stated that the matter has been compromised between the parties. As per the compromise she along-with her husband Lalit Parashar filed the petition under Section 13-B, Hindu Marriage Act for dissolution of marriage. The statements of both were recorded at the time of first motion in the divorce petition. As per the compromise the total amount of Rs.5,50,000/- is to be paid to the complainant/wife by the accused/husband. She received Rs.3,00,000/- from the respondent/husband. The remaining amount of Rs.2,50,000/- is to be paid by the accused at the time of recording the statements in the second motion in divorce petition. The compromise taken place between us without any force, coercion or undue influence. She has no objection in quashing of the FIR after payment of the remaining amount of Rs.2,50,000/- by the accused/husband to her. The record of the proceedings before the learned Family Court, Faridabad in divorce petition is Ex.C-1 which contains the statement of both the petitioners, copy of the petition for divorce. The other accused named in the FIR, Ram Parkash Parashar (father-in-law), Naresh Kumari (mother-in-law), Gagan (brother-in-law) and Rekha (sister-in-law) were found innocent in the police investigation. The police filed the challan only against accused/husband. No accused is P.O. in the present case.”*

As per the compromise, a total amount of Rs.5,50,000/- is to be paid to the complainant by the petitioner-husband. Out of this amount, she has received Rs.3 lakhs from the petitioner-husband. The remaining amount of Rs.2,50,000/- is to be paid at the time of recording the statements at the second motion in the divorce petition filed under Section 13-B of Hindu

Learned counsel for the respondent No.2-complainant admits the factum of compromise and states that he has no objection in case the FIR in question is quashed. However, he states that the petitioner may be directed to make the payment of Rs.2,50,000/- at the time of second motion in a divorce petition filed under Section 13-B of Hindu Marriage Act.

I have heard learned counsel for the parties.

In terms of the compromise so entered between the parties, petitioner was required to pay Rs.5,50,000/- to the complainant and out of which, an amount of Rs.3 lakhs has been paid to the complainant, for which, there is no dispute. For the remaining amount of Rs.2,50,000/-, the petitioner is required to pay the said amount at the second motion in a divorce petition filed under Section 13-B of Hindu Marriage Act.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Hon'ble Supreme Court in **Gold Quest International Private Limited Versus State of Tamil Nadu and others-2014 (4) RCR (Criminal) 206** has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution.

Thus, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others**

**Limited's case** (*supra*), this petition is allowed and F.I.R. No.212 dated 01.04.2016 registered under Sections 498-A, 406 IPC at Police Station Ballabhgarh City Faridabad, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of joint statement dated 28.08.2018 (Annexure P-3), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

It is made clear that in case the petitioner fails to pay the agreed amount of Rs.2,50,000/- at the second motion in pending proceedings, the complainant shall be at liberty to seek revival of the present petition on account of non-payment of said amount.

**(HARI PAL VERMA)**  
**JUDGE**

22.01.2019

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| Whether speaking/reasoned? | Yes/No |
| Whether reportable?        | Yes/No |