

CRM-M- 24696- 2019 (O&M)

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

CRM-M- 24696- 2019 (O&M)

Date of Decision: January 16, 2020

Sumit Dhamija

... Petitioner

VERSUS

UT, Chandigarh and others

.... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Harish Chhabra, Advocate
 for the petitioner.
 Mr. Rajiv Vij, Addl. P.P., UT, Chd.
 Mr. Nitin Bansal, Advocate
 for respondent No. 2.

JAISHREE THAKUR, J.(Oral)

This is a petition that has been filed under Section 482 Cr.P.C. for quashing of FIR bearing No. 230 dated 01.05.2015 under Sections 406, 498-A IPC registered at Police Station Sector 34, Chandigarh as well as all subsequent proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Learned counsel for the petitioner would contend that the marriage of the petitioner took place with Ms. Preeti Dhamija on 17.01.2013 and did not survive the test of the time. On account of a matrimonial discord, an FIR was got registered against the petitioner by the father of the girl -Mr. Sat Prakash Arora, who is arrayed as respondent No.3 in the present proceedings. Pursuant to the filing of the FIR, the matter has been compromised between the parties on 17.05.2019 whereby it has been agreed

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between the parties that they would part their ways and will also file a petition under Section 13-B of the Hindu Marriage Act for dissolution of the marriage, apart from the instant petition by making the payment of Rs. 16 lacs as full and final settlement towards past, future alimony and maintenance, apart from returning the *Istridhan*.

Learned counsel for the petitioner submits that the compromise has been arrived between the parties in letter and spirit and a divorce has already been granted by the Court on 05.10.2019. It is prayed that the proceedings under the FIR be quashed in terms of the said compromise.

At this stage, appearance has been caused by the daughter of the complainant namely Ms. Preeti Dhamija (Ex-wife of the petitioner since divorce has already been allowed), who on the asking of the Court, admits to the factum of the compromise.

Consequently, in the opinion of the Court, this matter ought to be quashed since all disputes between the parties stand settled and there is an agreement between the parties that the complainant would have no objection to the proceedings being dropped in case the terms of the compromise are met with. Normally this Court would have relegated the parties to put in an appearance before the trial Court/Illaq Magistrate to have their statements recorded regarding the genuineness of the compromise before quashing of the FIR, however, in the instant matter, taking note of the fact that Ms. Preeti Dhamija is present in the Court and is duly identified by learned counsel for respondent No.3, who admits to the factum of the compromise and the fact that divorce has already taken place, this Court deems it appropriate to have the statement of the complainant recorded in

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the Court itself. It is also noted that since Ms. Preeti Dhamija is on the wheel-chair and it would be great inconvenience to her putting in appearance to have her statement recorded before the trial Court/Illaq Magistrate, her statement recorded in the Court today is taken on record. Statement of respondent No.3-complainant has also been recorded in the Court.

In view of above, this petition is allowed and FIR bearing No. 230 dated 01.05.2015 under Sections 406, 498-A IPC registered at Police Station Sector 34, Chandigarh and all subsequent proceedings arising out of the same are quashed qua the petitioner.

January 16, 2020

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.