

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

Crl. Misc. M 33388 of 2019 (O&M)
Date of decision: 21.1.2020.

Naresh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Vimal Kumar Gupta, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

Reply has been filed by respondent No. 2 in Court today. The same is taken on record.

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 51 dated 17.11.2018 (Annexure P/1) registered under Sections 406, 323, 498-A and 34 IPC (Section 406, 34 IPC deleted later on) at Police Station Sector Women West Gurugram, District Gurugram and all subsequent proceedings arising therefrom.

In brief, the facts are that the marriage of the petitioner and respondent No. 2/complainant was solemnized on 3.12.2014, as per Hindu rites and ceremonies. However, due to temperamental differences between the husband and wife, the marriage did not last long and a matrimonial

dispute arose and the aforesaid FIR was got registered on the statement of complainant-Suman. Ultimately, since the marriage had broken irretrievably both the parties with their mutual consent and free will decided to part their ways and decided to file a petition under Section 13-B of the Hindu Marriage Act for dissolution of the marriage by way of mutual consent.

Learned counsel for the petitioner submits that in pursuance of the settlement arrived at between the parties, a petition under Section 13-B of the Hindu Marriage Act was filed, in which both the parties got their statement recorded and thereafter the District Judge, Family Court, Gurugram, has passed a decree of divorce by way of mutual consent. It is submitted that all payments as agreed have been made and nothing is due to be paid to the respondent-wife .

Learned counsel for respondent No.2 does not dispute the the contentions as raised by learned counsel for the petitioner. Statement of respondent No.2 has also been recorded in the Court today which is available on the record as Mark 'A' to the effect that her marriage has been dissolved and nothing is pending against the petitioner. She has further stated that she has no objection in case the FIR is quashed.

Learned Assistant Advocate General, Haryana submits 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.

Copies of the statements of the parties as well as judgment passed by the Principal District Judge, Family Court, Gurugram dated

8.1.2020, granting decree of divorce by mutual consent has been placed on record.

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

In view of the fact that the marriage between the parties has been dissolved by decree of divorce by mutual consent and they have resolved all the issues pertaining to their respective claims, maintenance (past, present and future), stridhan, properties and dowry etc. 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. 51 dated 17.11.2018 (Annexure P/1) registered under Sections 406, 323, 498-A and 34 IPC (Section 406, 34 IPC deleted later on) at Police Station Sector Women West Gurugram, District Gurugram and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

21.1.2020
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No