

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M- 4944 of 2018(O&M)

Date of Decision: 11.1.2023

Umesh Bindal @ Umesh Kumar and another

---Petitioners

versus

State of Haryana and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. A.S.Virk, Advocate
for the petitioners
Ms. Dimple Jain, AAG, Haryana
Mr. Mohan Singla, Advocate
for respondent No. 2

JAGMOHAN BANSAL, J. (ORAL)

The petitioners, through the instant petition under Section 482 Cr.P.C., are seeking quashing of FIR No. 741 dated 6.12.2016 (Annexure P-2) under Sections 406, 498-A, 506 and 34 IPC, registered at Police Station Ratia, District Fatehabad, challan dated 26.9.2017 (Annexure P-3), charge-sheet dated 3.1.2018 (Annexure P-4) and all subsequent proceedings arising therefrom.

Learned counsel for the petitioners inter alia contends that petitioners are parents of Shiv Bindal who had solemnized marriage with Priya-complaint, daughter of Rakesh Kumar. Due to temperamental issues, the marriage between Shiv Bindal and Priya

miserably failed. The complainant-Priya lodged FIR against her husband as well petitioners and other family members. The police conducted investigation and found family members including petitioners innocent except husband of the petitioner. At the behest of complainant police conducted second enquiry and implicated petitioners alongwith husband of the complainant. During pendency of the present petition, the matter has been amicably settled and marriage between son of the petitioners and Priya-complainant stands dissolved. The matter qua maintenance and custody of child also stands settled. Learned Additional District and Sessions Judge, Fatehabad vide judgment and decree dated 17.1.2019 has ordered to dissolve the marriage between Shiv Bindal and Priya. In view of settlement between the parties especially statement of the complainant before the court below that she will withdraw all the cases and her grievances with the petitioners and her husband stand redressed, the present petition deserves to be allowed.

Learned State counsel, on instructions from SI Shakuntla Devi, does not dispute the aforesaid facts.

The complainant has settled all her disputes with the petitioners which stands confirmed by counsel for the complainant.

In view of the fact that complainant has settled her all disputes with the petitioners and their son, decree of divorce has already been passed and in the decree of divorce it has been specifically mentioned that complainant had tendered her statement disclosing that she had settled all her disputes qua custody of child, dowry articles, maintenance and she would withdraw all the cases against the

petitioners, this petition deserves to be allowed and accordingly allowed. FIR No. 741 dated 6.12.2016 (Annexure P-2) under Sections 406, 498-A, 506 and 34 IPC, registered at Police Station Ratia, District Fatehabad, challan dated 26.9.2017 (Annexure P-3), charge-sheet dated 3.1.2018 (Annexure P-4) and all subsequent proceedings arising therefrom stand quashed qua the petitioners.

(JAGMOHAN BANSAL)
JUDGE

11.1.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No