

2024:PHHC:028236

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

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**CRM-51519-2023 in/and
CRM-M-61564-2023 (O&M)
DATE OF DECISION: 28.02.2024**

VIPIN KATHURIA

...PETITIONER

Versus

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Nazuk S. Gupta, Advocate for the petitioner(s).

Mr.G.S Dhillon, AAG, Haryana.

Mr. Yaseen Sethi, Advocate for respondent No. 2.

SANDEEP MOUDGIL, J (ORAL)

Prayer in this petition is for quashing of FIR No.412 dated 25.07.2018 under Sections 323, 498-A IPC, 1860 registered at P.S. City Kaithal, District Kaithal on the basis of compromise dated 12.10.2023 (Annexure P-2).

The Court has been informed on 18.12.2023 that marriage of the petitioner and respondent No. 2 has been dissolved by way of decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 in term of the judgment and decree dated 23.07.2021 passed by the learned Family Court, Kaithal.

Today, instant application bearing No. CRM-8694-2024 has been filed for placing on record the copy of decree passed under Section 13-B of Hindu Marriage Act as Annexure P-5.

For the reasons recorded in the application, the same is allowed and copy of decree passed under Section 13-B of Hindu Marriage Act is taken on record.

Learned counsel for respondent No.2 is also present in Court who is not denying the factum of decree by mutual divorce amongst the petitioner and him and also is not having any objection in case the FIR No. 412 dated 25.07.2018 under Sections 323, 498-A IPC at P.S. City Kaithal, District Kaithal is quashed in light of the compromise arrived at between the parties. He further submits that he does not want to pursue the FIR as well in view of the terms of the settlement between the parties on the basis of which the decree for divorce under Section 13-B was granted by the Family Court.

Even perusal of the decree passed by Principal Judge, Family Court indicates that the petitioners were granted six months statutory period to reconsider and reconcile the matter. However, when they appeared on 23.07.2021 during the second motion of the proceedings, they have reiterated and affirmed their previous statements. Moreover, the petitioner No.2 has stated that he will not claim the custody of minor child from petitioner No.1 and will not have any visitation rights to meet the child at any point of time. Further, the matter is permanently settled on account of permanent alimony (past, present and future) wherein the petitioner No.1 has received an amount of Rs. 5,25,000/-. Therefore, in view of the above, this Court is able to infer that if the present quashing is allowed it would be in the interest of both of the parties as the marriage has failed irretrievably.

In light of the above, FIR No. 412 dated 25.07.2018 under Sections 323, 498-A IPC at P.S. City Kaithal, District Kaithal, is quashed qua the petitioner.

The present petition is hereby allowed.

Since the main case has been allowed, the pending application(s), if any, is disposed of.

(SANDEEP MOUDGIL)
JUDGE

28.02.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>