

(2007) 07 P&H CK 0029

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 27383 M of 2007

Ankur Saxena and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 17-07-2007

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 406, 498A, 506

Citation : (2007) 07 P&H CK 0029

Hon'ble Judges : S.S. Saron, J

Bench : Single Bench

Advocate : K.S. Nalwa, for the Appellant; Vikas Chaudhary AAG, Haryana with Mrs. Nirmaljit Kaur, for the Respondent

Final Decision : Allowed

Judgement

S.S. Saron, J.—This petition u/s 482 of the Code of Criminal Procedure (Cr.P.C. for short) has been filed seeking quashing of case FIR No. 126 dated 9.2.2006 (Annexure P-1) registered at Police Station DLF, Gurgaon for the offence under Sections 323, 498-A, 506, 406 of the Indian Penal Code (IPC for short) on the basis of compromise dated 4.4.2007 (Annexure P-2).

2. The marriage between Ankur Saxena-Petitioner No. 1 and Mukta Saxena-Respondent No. 2 was solemnised on 31.10.1998 at Delhi and they stayed together till February, 2006. There is no issue from the said wedlock. Matrimonial disputes arose between the parties, which led to filing of various complaints and also resulted in litigation. The impugned FIR (Annexure P-1) was registered on the complaint made by Respondent No. 2 against the Petitioners. Now during the pendency of proceedings, the parties have mutually agreed to dissolve their marriage by a decree of divorce. A petition seeking dissolution of the marriage by a decree of divorce by mutual consent has been filed in the matrimonial court at Delhi which is pending. A compromise has been effected between the parties on 4.4.2007 (Annexure P-2). In terms of the settlement, it has been inter alia

provided that each of the parties will withdraw their complaints, applications and other proceedings initiated by them against the other. The details of the proceedings which were initiated by Respondent No. 2 are mentioned in para No. 2 of the compromise and those initiated by Petitioner No. 1 are mentioned in para No. 3 of the compromise. Learned Counsel for the Petitioners and complainant have submitted that they shall take necessary appropriate action for withdrawing the complaints against each other and the same may be deemed to have been withdrawn.

3. In terms of the compromise, it was also agreed that the Petitioner No. 1 shall transfer in favour of Respondent No. 2, Flat No. 705, Intelligentsia, Plot No. 60, Sector 56, Gurgaon. The said Flat has admittedly been transferred by the Petitioner No. 1 in favour of Respondent No. 2 and a gift deed in that regard has been executed. The transfer of the said flat is towards settlement of all claims including maintenance etc.

4. In view of the above, learned Counsel for the Petitioners and Respondent No. 2 submit that the FIR may be quashed.

5. Mr. Vikas Chaudhary, AAG, Haryana appearing for the State submits that the State would have no objection to the quashing of the FIR as the matrimonial disputes between the parties, have been amicably settled.

6. After giving my thoughtful consideration to the matter, it may be noticed that the Hon'ble Supreme Court in B.S. Joshi v. State of Haryana 2003 SCC (CrL.) 848 has held that the inherent jurisdiction of this Court u/s 482 can be exercised to quash proceedings in respect of offences relating to matrimonial disputes even though they are not compoundable. It was rather stressed that it is duty of the Court to encourage genuine settlements of matrimonial disputes. In the present case, matrimonial disputes between the parties have indeed been settled amicably. The parties have withdrawn their respective cases against each other and are in the process of withdrawing some of the cases. Learned Counsel for the parties have submitted that the cases filed by the parties against each other, may be deemed to have been withdrawn. The petition for grant of divorce by mutual consent is pending in the Court at Delhi. The parties have the intention to get the necessary decree passed for dissolution of the marriage. They have stated that they shall co-operate with each other to put an end to the litigation.

7. In the circumstances, in order to put the matter to an end so that the parties may part their ways amicably, it would be in the interest of justice if the aforesaid impugned FIR is quashed.

8. Consequently, the petition is allowed and impugned FIR No. 126 dated 9.2.2006 (Annexure P-1) registered at Police Station DLF, Gurgaon for the offence under Sections 323, 498-A, 506, 406 of the Indian Penal Code and all subsequent and consequential proceedings arising therefrom are quashed.