
(1996) 01 P&H CK 0055

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 16210-M of 1995

Hanesh Kumar Narang

APPELLANT

Vs

Union of Territory, Chandigarh

RESPONDENT

Date of Decision : 12-01-1996

Acts Referred:

Citation : (1996) 2 AICLR 49 : (1996) 1 RCR(Criminal) 550

Hon'ble Judges : V.K.Jhanji, J

Advocate : Baldev Singh, Matvinder Singh, Gautam Dutt, R.S. Rai, Advocates
for appearing Parties

Judgement

V.K. Jhanji, J.

1. Harnesh Kumar Narang son of L.D. Narang, petitioner No. 1 and Anuradha, respondent No. 2 were married on 1.6.1993. They have been living apart with effect from 11.10.1994. This petition has been filed by the husband, his father, mother and sister for quashing of F.I.R. No. 12 dated 23.1.1995 under Sections 406/498A, IPC, registered at Police Station, Sector 36, Chandigarh.

2. During the pendency of this petition, parties entered into a compromise and as per the compromise, they have agreed to dissolve their marriage by mutual consent and husband has agreed to pay a sum of Rs. 7,50,000/ (Rupees Seven Lacs and Fifty thousand only) towards full and final settlement i.e. Istridhan and permanent alimony. They have further agreed that they shall have no further claim against each other.

3. Parties are present in court. In pursuance of the said agreement, four drafts for a total sum of Rs. 7,50,000/ have been handed over to Anuradha who is also present in Court. Photostat copies of drafts have been placed on record. Anuradha, respondent No. 2 has received this amount in full and final settlement of her claim towards Istridhan and permanent alimony. She has agreed that she shall have no further claim against her husband or his family members in future. She has further stated that her petition under Section 13 of the Hindu Marriage

Act for dissolution of marriage pending in the Court of Shri. M.R. Batra, Additional District and Sessions Judge, Chandigarh, may be transferred to this Court and converted into a petition under Section 13B of the Hindu Marriage Act. Husband who is present in Court has no objection to this course being adopted as suggested by the wife.

4. Accordingly, petition under Section 13 of the Hindu Marriage Act titled Smt. Anuradha v. Harnesh Kumar Narang pending in the Court of Shri. M.R. Batra, Additional District & Sessions Judge, Chandigarh, fixed for 12.2.1996 is ordered to be transferred to this Court shall be deemed to have been transferred. Petitioner No. 1 as well as respondent No. 2 have stated that it is not possible for them to live together and, therefore, their marriage be dissolved under Section 13B of the Hindu Marriage Act.

5. In view of the stand taken by the respective parties, marriage between Smt. Anuradha and Harnesh Kumar Narang is hereby dissolved by a decree of divorce. Since a sum of Rs. 7,50,000/ (Rupees Seven Lacs and fifty thousand only) has been paid in Court to Smt. Anuradha, she shall have no claim on any count against Harnesh Kumar Narang and his family members. As a consequence of the dissolution of the marriage and the agreement between the parties vide which full and final claim of the wife has been settled, no useful purpose would be served to continue with the proceedings under Sections 406/498A, IPC. Accordingly, FIR No. 12 dated 23.1.1995 shall stand quashed and the proceedings pending in the court of Chief Judicial Magistrate, Chandigarh, shall also stand quashed.