
(2021) 02 SHI CK 0142
In the High Court Of Himachal Pradesh
Case No : CRMMO No.53 Of 2021

Nepolian Baral

APPELLANT

Vs

State Of H.P. & Another

RESPONDENT

Date of Decision : 11-02-2021

Acts Referred:

Protection Of Women From Domestic Violence Rules, 2006 — Rule 15
Protection Of Women From Domestic Violence Act, 2005 — Section 29, 31

Citation : (2021) 02 SHI CK 0142

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Virender Singh Rathore, Hemant Vaid, Arvind Sharma, Raju Ram Rahi, Amit Dhumal, Nepolian Baral, Indu Baral

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. Respondent No.2 (Smt Indu Baral) is wife of the petitioner. She instituted a complaint under Section 31 of the Protection of Women from Domestic

Violence Act read with Rule 15 of the Protection of Women from Domestic Violence Rules 2006 against her husband. This criminal complaint

registered as Criminal Case No.23-II/2010, was decided on 26.05.2014, by learned Chief Judicial Magistrate Kangra at Dharamshala, holding her

husband/petitioner to be guilty of the offences charged against him. The petitioner was sentenced to rigorous imprisonment for one year alongwith

payment of fine. Thereafter, respondent No.2 preferred an appeal under Section 29 of the Protection of Women from Domestic Violence Act 2005

against the aforesaid judgment with a prayer for enhancement of sentence. Similarly the petitioner also preferred an appeal against the aforesaid

judgment praying for quashing and setting aside the same.

2. It appears from the record that during the pendency of the appeal, the couple resolved their differences and amicably settled the matter between

them. Accordingly their statements were recorded by the learned Appellate Court, wherein respondent No.2 categorically stated that she did not want

to pursue the case any further. Consequently, her appeal was dismissed as withdrawn. Statement of the petitioner was also recorded, wherein he

reiterated that he has entered into a compromise with his wife, had resolved all differences with her and did not want to pursue his appeal any further.

Resultantly the appeal filed by him was also dismissed as withdrawn.

3. In the instant petition, a prayer has been made for quashing and setting aside the judgment dated 26.5.2014 passed by learned Chief Judicial

Magistrate in Criminal Case No.23-II/2010, whereby the petitioner was convicted for the offences under Section 31 of the Protection of Women from

Domestic Violence Act and sentenced to rigorous imprisonment for one year & a fine of Rs.10,000/-. Petitioner as well as respondent No.2 are

present in Court and have been identified by learned counsel for the petitioner. Respondent No.2 in her separate statement recorded today has stated

that she is co-habiting with her husband/petitioner for the past about 3 years. All her differences with her husband/petitioner stand resolved. The

matter in question in the criminal case initiated on her complaint has been amicably settled between them. She has no wish to insist upon continuation

of the proceedings arising out of her complaint any further and has prayed for quashing the criminal complaint in question as well as the consequential

proceedings arising out of that including the judgment of conviction passed against her husband/petitioner. Learned Additional Advocate General has

fairly not opposed the prayer made in the petition.

Since the matter has been amicably settled between the parties as is also noted by learned Appellate Court on 28.06.2019, therefore, no fruitful

purpose will be served in continuing the proceedings in question. Separate statements of petitioner and respondents No.2 were recorded, which reflect

amicable settlement between the couple and the fact that they have reconciled their differences and are residing together as husband & wife for past

about three years.

In view of the above, the present petition is allowed. The judgment in Criminal

Case No.23-II/2010, titled as Smt. Indu Baral V/s Shri Nepolian Baran

& another, decided on 26.05.2014, passed by learned Chief Judicial Magistrate Kangra at Dharamshala H.P. is quashed and set aside.

With these observations, the petition is disposed of alongwith miscellaenous application(s), if any.