
(1996) 02 P&H CK 0121

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 11829/M of 1994

Rattan Chand and Others

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 13-02-1996

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125

Hindu Marriage Act, 1955 — Section 13B

Penal Code, 1860 (IPC) — Section 498A, 506

Citation : (1996) 2 DMC 185 : (1996) 1 RCR(Criminal) 792

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

Bench : Single Bench

Advocate : Balram Singh, for the Appellant; Suvir Dewan, AAG and Bhag Singh, for the Respondent

Judgement

V.K. Jhanji, J.—In this petition prayer made is for quashing F.I.R. No. 446 dated 4.12.92 registered under Sections 498-A/506 IPC at Police Station Ambala City and the subsequent proceedings pending in the Court of Judicial Magistrate, 1st Class, Ambala.

2. During the pendency of the petition the parties have entered into a compromise. As per the compromise, Pavitar Kumar, husband and Anita Devi, wife have decided to seek divorce by mutual consent. In this regard CM. No. 2901 of 1996 has been filed along with petition u/s 13-B of the Hindu Marriage Act for dissolution of the marriage. Petition u/s 13-B of the Act bears the signatures of both the parties and is accompanied by an affidavit of Pavitar Kumar, husband and Anita Devi, wife. The marriage between Pavitar Kumar and Anita took place on 15.12.91 at Ambala City according to Hindu rites, but after about one month of the marriage some differences cropped up between the parties and since then they have been living apart. They have stated in their joint petition that there is no likelihood of there being any reconciliation between them and thus, have mutually agreed to dissolve the marriage. A sum of Rs. 20,000/- has been paid to Anita Devi as maintenance and also permanent alimony to all

other claims. In para 7, it has been stated that the wife shall not claim any dowry articles or anything else as she has already taken the dowry articles back from the husband and there is no dispute left between them in this regard.

3. As there is no chance of reconciliation and the parties have decided to dissolve the marriage by mutual consent, the prayer made in the petition u/s 13-B of the Hindu Marriage Act annexed to Civil Misc. No. 2901 of 1996 is allowed and the marriage between the parties is hereby dissolved u/s 13-B of the Hindu Marriage Act.

4. Since the marriage between the parties has been dissolved and the parties have settled their dispute, it would serve no useful purpose if the proceedings in F.I.R. No. 446 dated 4.12.92 are allowed to continue. Accordingly, FIR No. 446 dated 4.12.92 Under Sections 498-A/506, IPC, P.S. Ambala City and the proceedings thereon pending in the Court of Judicial Magistrates, 1st Class, Ambala shall stand quashed. As the respondent wife has no claim left the petition u/s 125 Cr.P.C. filed by her for grant of maintenance which is pending in the Court of Chief Judicial Magistrate, Ambala, too shall stand quashed.