

(2018) 12 RAJ CK 0340

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 3611 Of 2015

Shailendra Singh And Ors

APPELLANT

Vs

State Of Rajasthan And Anr

RESPONDENT

Date of Decision : 20-12-2018

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 406, 498A
Hindu Marriage Act, 1955 — Section 13B

Citation : (2018) 12 RAJ CK 0340

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Advocate : Rakesh Chandel, NS Dhakad, Amit Kumar Jain

Judgement

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.88/2015 registered at Police Station Mahila Thana, Jaipur City (West) for the offences under Sections 498A and 406 IPC.

In the present case, quashing of FIR has been sought on the basis of compromise.

Raksha Kanwar, respondent no.2 is present in the court.

She has been identified by her counsel Mr. Amit Kumar Jain.

Raksha Kanwar, respondent no.2 has stated that on 24.2.2011 she was married with petitioner no.1 as per Hindu customs and rites. It is submitted that due to difference of opinion, she was compelled to lodge the impugned FIR.

Learned counsel for the petitioner has submitted that this Court vide order dated 27.11.2017 sent the matter to the Mediation and Conciliation Centre of this Court and the parties resolved their dispute at the behest of Mediation and Conciliation Centre. The report of Mediation and Conciliation Centre has been placed on record.

Raksha Kanwar, respondent no.2 has stated that the petitioner no.1 has agreed to pay Rs.5 Lakhs towards Stridhan, expenses on marriage, permanent alimony and cost of litigation etc.

Learned counsel for the parties have jointly submitted that the petitioners and the respondent no.2 shall remain bound by settlement arrived at the behest of Mediation and Conciliation Centre of this Court.

Raksha Kanwar, respondent no.2 has submitted that she has received Rs.5 Lakhs paid by the petitioner no.1. She further stated that divorce petition under Section 13B of Hindu Marriage Act for dissolution of marriage by way of mutual consent is pending in the Family Court. It is submitted that the divorce petition under Section 13B of Hindu Marriage Act is coming for final motion on 4.1.2019.

Raksha Kanwar, complainant/respondent no.2 has prayed that the impugned FIR be quashed as she no longer intends to pursue the same.

The learned counsel for the parties have jointly relied upon B.S. Joshi & Ors. vs. State of Haryana & Anr., 2003 Cri.L.J. 2028, to contend that this Court while exercising jurisdiction under Section 482 Cr.P.C. in furtherance of interest of justice in matrimonial dispute may bring families at peace by quashing FIR.

On the prayer made by the learned counsel for the parties, in view of the judgment in the case of B.S. Joshi (supra), relied by the parties, the present petition is accepted and impugned FIR along with all its subsequent proceedings is quashed.