

Mukesh Kumar Saini Vs The State of Haryana

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 28, 2014

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 125, 482

Hindu Marriage Act, 1955 â€” Section 13-B

Penal Code, 1860 (IPC) â€” Section 323, 406, 420, 498A, 506

Hon'ble Judges: Naresh Kumar Sanghi, J

Bench: Single Bench

Advocate: Ram Kumar Saini, Advocate for the Appellant; Gaurav Dhir, DAG, Haryana and Kiran Bala Jain, Advocate for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Naresh Kumar Sanghi, J.

The present petition u/s 482, Cr.P.C., has been filed by the petitioners, Mukesh Kumar Saini (husband),

Mahindro Devi (mother-in-law) and Narinder Kumar (brother-in-law/Jeth) of respondent No. 2-Deepa Rani (wife of petitioner No. 1) for

quashing of FIR No. 160 dated 09.04.2013, for the offences punishable under Sections 323, 406, 420, 498A and 506, IPC, registered at Police

Station Baldev Nagar, Ambala City.

2. On 10.07.2014, during the course of hearing of the case, better sense prevailed and both the private factions, due to intervention of their

respective counsel, sorted out their matrimonial dispute and effected a compromise. As detailed in the order dated 10.07.2014, the petitioners

agreed to pay a sum of Rs. 8,75,000/-, in total, to respondent No. 2-complainant. As agreed between the parties, a demand draft of Rs.

5,00,000/- has been handed over to respondent No. 2 today in the Court. A photostat copy of the same has been retained on the file. In

accordance with the compromise, petitioner No. 1 and respondent No. 2 have agreed to present a joint petition u/s 13-B of the Hindu Marriage

Act for grant of divorce before learned District Judge, Ambala. At the time of first motion, the petitioner shall pay Rs. 2,00,000/- by way of

demand draft to respondent No. 2 and at the time of second motion further an amount of Rs. 1,75,000/- shall be paid to respondent No. 2 by way

of another demand draft by the petitioners.

3. Today, respondent No. 2-complainant has suffered her statement on oath before this Court that in view of the settlement arrived at on

10.07.2014, she has no objection if the impugned FIR and the consequential proceedings arising therefrom are quashed. She also stated that she

would withdraw the application filed u/s 125, Cr.P.C., seeking maintenance from her husband.

4. Learned counsel for respondent No. 2, Ms. Kiran Bala Jain, Advocate, has also admitted the factum of compromise and has no objection if the

impugned FIR and the consequential proceedings arising therefrom are quashed.

5. Learned counsel for the State has also heard the statement suffered by respondent No. 2-complainant and, as such, he too has no objection to

the quashing of the impugned FIR and the consequential proceedings arising therefrom on the basis of compromise.

6. At this stage, learned counsel for the petitioners and the learned counsel for respondent No. 2-complainant have agreed that the divorce petition

u/s 13-B of the Act shall be presented before the learned District Judge, Ambala, on 04.08.2014.

7. In view of the totality of the facts and circumstances of the case, and taking into consideration the ratio of the judgment delivered by Hon"ble the

Supreme Court in the matter of B.S. Joshi and Others Vs. State of Haryana and Another, the present petition is allowed and resultantly FIR No.

160, dated 09.04.2013, for the offences punishable under Sections 323, 406, 420, 498A and 506, IPC, registered at Police Station Baldev

Nagar, Ambala City, and all the consequential proceedings arising therefrom qua the petitioners are hereby quashed.