

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No. M-2274 of 2014
Date of Decision: 15.09.2015**

Yogesh Sharma & another

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Anil Chaudhary, Advocate
for the petitioner (s).

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Yogesh Sharma son of Devi Dutt and Reeta Sharma wife of Rakesh Sharma have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.3 dated 9.9.2011 under Sections 406/498-A IPC registered at Police Station Women District Ludhiana (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 26.8.2013 (Annexure P-2).

This Court vide order dated 22.1.2014 had directed the parties to appear before the Judicial Magistrate for recording their

statements with regard to the compromise dated 26.8.2013 (Annexure P2) and the learned Judicial Magistrate was directed to verify the genuineness of the compromise entered between the parties and submit a report.

Pursuant to the aforesaid order dated 22.1.2014, the complainant appeared before the learned Judicial Magistrate Ist Class, Ludhiana on 26.2.2014 and had submitted that as the petitioner-husband is yet to pay an amount of Rs.1 lac and the divorce petition under Section 13-B of the Hindu Marriage Act, 1955 is also pending before the Sessions Court, the FIR be not quashed.

However, during the pendency of the divorce petition filed under Section 13-B of the Hindu Marriage Act, the complainant Rekha Rani has suffered a statement that she has amicably settled the dispute with the petitioner-husband and has received the balance amount of Rs.1 lac from him and she has no objection in case the FIR in question is quashed. The statement of the complainant-Rekha Rani reads as under:-

“Stated that my marriage was solemnized with Yogesh Sharma on 29.9.2006 at Ludhiana according to Hindu rites. From this wedlock, two children namely Lovesh and Yuvika were born who are under care and custody of Yogesh Sharma. I have amicably settled the dispute with Yogesh Sharma and today I have received the balance amount of Rs.1 lac from Yogesh Sharma. The custody of the minor children will remain with Yogesh Sharma. I will withdraw all the cases as mentioned in the

joint petition against Yogesh Sharma and his family members and will not file any case against them. All the disputes regarding present, past and future alimony stand settled and now nothing is outstanding towards maintenance, dowry articles or istridhan etc. We have not lived together during the period my first statement was recorded on 20.9.2013. We are living separately since 13.2.2011. I have no objection if the proceedings of case/FIR no.3 dt.9.9.2011, under sections 406/498-A IPC, PS Women Cell, Ludhiana are quashed against Yogesh Sharma and his sister Rita Sharma.

RO&AC
(Sd/-)

Sd/-
Sukhdev Singh
Addl.District Judge, Ludhiana,
24.3.2014”

Taking into consideration the statement suffered by the complainant-wife, wherein she has stated that she has no objection in case the FIR in question is quashed, coupled with the fact that the divorce petition under Section 13-B of the Hindu Marriage Act has also been allowed and divorce has been granted to the petitioner-husband and the complainant-wife, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is

allowed and FIR No.3 dated 9.9.2011 under Sections 406/498-A IPC registered at Police Station Women District Ludhiana (Annexure P-1) and other consequential proceedings arising therefrom are quashed in view of compromise dated 26.8.2013 (Annexure P2).

September 15, 2015
AK

(HARI PAL VERMA)
JUDGE