

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

CRM-M-30170 of 2013  
Date of decision : 16.01.2015

Pardeep Kumar and others

...Petitioners

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Ms. Sushma Chopra, Advocate  
for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab  
assisted by HC Jasbir Singh

Mr. D.S. Malwai, Advocate  
for respondent No.2.

**JITENDRA CHAUHAN, J. (Oral)**

This petition under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing of the FIR No.54 dated 02.03.2009, registered under Sections 498-A, 406, 506 IPC, at Police Station Malerkotla, District Sangrur.

Learned counsel for the petitioner contends that the petitioner No.1 got married with respondent No.2, in March, 2008. Thereafter, a dispute arose between the parties and respondent No.2 left the matrimonial home in November, 2008. The present FIR was lodged on 02.03.2009, while appearing in the Court at Malerkotla in this case, the father of respondent No.2, attacked the petitioner No.1 and FIR No.78 dated 24.07.2012, under

Sections 324, 506, 34 IPC was got registered against him. Thereafter, the matter was compromised between the parties. An affidavit was also filed by both the parties admitting the factum of compromise in both the FIRs No.54 and 78. In pursuance of the compromise, the petition filed by respondent No.2 for grant of divorce was converted into petition under Section 13-B of the Hindu Marriage Act, for grant of divorce by mutual consent. The same stands allowed vide decree of divorce dated 20.04.2013 (Annexure P-4). The respondent No.1 was also given an amount of Rs.53 lacs, in terms of settlement. However, after receiving the amount and getting the divorce, respondent No.2 became greedy and backed out from the compromise reached between the parties.

Reply on behalf of respondent No.1, has been filed in the Court which is taken on record. It has been noticed in the reply that the factum of compromise is not in the knowledge of the answering respondent.

Learned counsel for the respondent No.2 has also opposed the present petition.

Heard.

In the reply filed on behalf of respondent No.2 the factum of divorce petition filed under Section 13 of the Hindu Marriage Act by the respondent No.2 and its subsequent conversion into petition under Section 13-B of the Hindu Marriage Act has not been disputed. It is also worthwhile to mention that the father of respondent No.2 Hari Om filed CRM-M-26803-2012 for quashing of FIR No.78 dated 24.07.2012 lodged at the instance of the petitioner's husband on the basis of compromise. Therefore,

the assertion raised by learned counsel for the petitioners to the effect that the respondent after getting divorce and the amount of Rs.53 lacs has backed out from the settlement.

In this view of the above this Court feels that continuance of criminal proceedings against the petitioner would be an abuse of the process of law.

Consequently, the present petition is allowed. FIR No.54 dated 02.03.2009, registered under Sections 498-A, 406, 506 IPC, at Police Station Malerkotla, District Sangrur and all consequential proceedings arising therefrom are hereby quashed qua the present petitioners.

**16.01.2015**  
*ashok*

**(JITENDRA CHAUHAN)**  
**JUDGE**