

**CRM-M-32851-2014 (O&M)**

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

**CRM-M-32851-2014 (O&M)**

**Date of Decision: January 06, 2015**

Navtej Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

Present: Mr.Amit Dhawan, Advocate  
for the petitioner.

Mr.Mikhail Kad, AAG, Punjab.

Mr.G.S.Pannu, Advocate  
for respondent No.2.

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**Naresh Kumar Sanghi, J.(Oral)**

Prayer in this petition, filed under Section 482, Cr.P.C.,  
is for quashing of FIR No.88, dated 03.10.2012, for the offences  
punishable under Sections 406 and 498-A, IPC, registered at  
Police Station, Phase VIII, SAS Nagar (Punjab), on the basis of  
compromise.

Vide order, dated 23.09.2014, the petitioner as well  
respondent No.2-complainant were directed to appear before  
the learned trial Court for getting their respective statements

recorded with regard to compromise. The said Court was also directed to send the report in that regard.

In compliance of the above, the petitioner as well as the respondent No.2-complainant- Tanveer Kaur did appear before the Court below and suffered their respective statements with regard to the compromise.

Respondent No.2-complainant Tanveer Kaur suffered the following statement:-

“Stated that I have entered into compromise with my husband Navtej Singh with regard to our all matrimonial disputes in Mediation Centre that is before Sh.Tarantaran Singh Bindra, President, Mediation Centre, Mohali, vide our written compromise, dated 06.09.2014, which is Ex.CX. We already filed petition u/s 13 B of the Hindu Marriage Act, in the Ld. Court of Shri Tarsem Mangla, Additional District Judge, Mohali, in which first motion of both the parties has already been recorded. Now our aforesaid divorce petition is pending for 16.03.2015 in the above stated Court of Additional District Judge, Mohali. Nothing remains unsettled between us with regard to permanent alimony, exchange of jewellery etc. Even all the pending litigations with regard to our matrimonial disputes, that is petition u/s 125 Cr.P.C., Petition u/s 9 of the Hindu Marriage Act, Complaint under Protection of Women from Domestic Violence

Act 2005 has already been withdrawn from the concerned Courts. My husband Navtej Singh has filed petition u/s 482 of the Cr.P.C. for quashing of FIR No.88, dated 03.10.2012 recorded u/s 406, 498-A, IPC, registered at Police Station, Phase-8, Mohali. I have no objection in case the aforesaid FIR and all its subsequent proceedings in the case, State vs. Navtej Singh pending in the Court of Ms.Surabhi Prashar, JMIC, Mohali, be quashed. In order to live with peace and harmony in our future life, neither I nor my husband will interfere each other's life.”

Petitioner Navtej Singh also suffered the similar statement.

The operative part of the report received from learned Judicial Magistrate Ist Class, SAS Nagar, is as under:-

“The statements of complainant and accused goes to reveal that compromise was voluntarily arrived between them. Therefore, the report alongwith copies of statements of the complainant and accused be submitted through proper channel to the Hon'ble Punjab and Haryana High Court well before 31.10.2014, i.e., the date fixed by Hon'ble High Court for awaiting same there of. Now to come up on 29.11.14 for awaiting further orders from Hon'ble High Court.”

Learned counsel for respondent No.2-complainant

Tanveer Kaur submits that due to incompatible behaviour of

petitioner (husband) and the respondent No.2 -complainant Tanveer Kaur (wife), they could not adjust with each other and, as such, respondent No.2-complainant had lodged the impugned FIR. During pendency of the case, better sense has prevailed and both the private parties have resolved their all disputes and effected a compromise. Both of them have decided to part company with each other and in consequence thereof, a petition under Section 13-B of the Hindu Marriage Act, 1955, has been presented before the learned District Judge, SAS Nagar, in which first motion has already been issued. The said case is fixed for 15.03.2015 for the second motion. All the terms and conditions of the compromise have been fulfilled except the part payment, which is to be made by the petitioner at the time of second motion. He further contends that respondent No.2-complainant Tanveer has no objection if the impugned FIR and all the consequential proceedings arising therefrom are quashed on the basis of compromise.

Learned counsel for the State has also no objection if the present litigation, which has arisen out of a matrimonial dispute, is terminated on the basis of compromise effected between the husband and wife.

After hearing the learned counsel for the parties and going through the material available on record, and keeping into consideration the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of **B.S. Joshi and others v. State of Haryana and another**, 2003 (2) R.C.R. (Criminal) 888, the present petition is allowed. FIR No.88, dated 03.10.2012, under Sections 406 and 498-A, IPC, registered at Police Station, Phase VIII, SAS Nagar (Punjab), and all the consequential proceedings arising therefrom are hereby quashed.

**January 06, 2015**  
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**(NARESH KUMAR SANGHI)**  
**JUDGE**