

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-38067 of 2014

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Date of decision:13.1.2015

Parteek Khanna and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Viren Jain, Advocate for the petitioners.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Vishal Aggarwal, Advocate for the complainant-
respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.74 dated 13.9.2014 (Annexure-P.1) registered for the offences under Sections 406 and 498-A IPC at Police Station Women Cell, Jalandhar City and all subsequent proceedings arising therefrom in view of the compromise dated 1.10.2014 (Annexure-P.2).

The marriage of petitioner No.1 Parteek Khanna was solemnized with complainant-Radhika Khanna alias Radhika Ahuja on 28.10.2013. No child has born out of the said wedlock. However, due to

temperamental differences between the parties, matrimonial dispute arose and the above said FIR was registered for the above mentioned offences against the petitioners. Now with the intervention of elders to iron out the friction, the matrimonial dispute has amicably been resolved as husband and wife have decided to part ways and have filed joint petition under Section 13-B of the Hindu Marriage Act, 1955 seeking divorce by mutual consent and compromise dated 1.10.2014 (Annexure-P.2) has been entered into between the parties. Petitioner No.1 has agreed to pay a sum of ₹4.25 Crores towards full and final settlement of the claims of respondent No.2 towards her past, present and future maintenance and permanent alimony including her Streedhan and dowry articles. The said sum has been agreed to be paid as under:-

(i) ₹2,67,50,000/- out of the aforesaid amount has been agreed to be paid in kind by way of transfer of plot bearing No.117 measuring 500 sq. yards situated in Sukhmani Enclave, Canal Road, Ludhiana owned by petitioners No.2 and 3 to respondent No.2.

The said transfer stands already effected in favour of respondent No.2 by way of a registered transfer deed dated 1.10.2014. As a result of the said transfer, a sum of ₹2,67,50,000/- stands already paid and adjusted from the total agreed sum of ₹4.25 crores to respondent No.2.

(ii) The balance sum of ₹1,57,50,000/- has also been entrusted to the mediators and shall be payable to respondent

No.2 at the time of making the second motion statement for the grant of decree of divorce by way of mutual consent.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Jalandhar, has sent his report dated 23.12.2014 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant Radhika Khanna alias Radhika Ahuja has stated that the compromise has been effected without any pressure, threat or coercion and is the result of her free will and she has no objection if the FIR is quashed subject to the fulfillment and implementation of the terms and conditions of remaining payment as per compromise deed Ex.CA. (Annexure-P2 herein).

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their matrimonial dispute, the State would have no objection to the quashing of the FIR in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for complainant-respondent No.2 and have gone through the record.

In a decision, based on compromise, none of the parties is a

loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their matrimonial dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

The Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, has held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable. Therefore, keeping in view the fact that the matrimonial dispute has been amicably settled and the law laid down in Gian Singh v. State of Punjab and another (supra), this petition is allowed and FIR No.74 dated 13.9.2014 (Annexure-P.1) registered for the offences under Sections 406 and 498-A IPC at Police Station Women Cell, Jalandhar City and all subsequent proceedings arising out of the same are hereby quashed.

However, it is made clear that the petitioners will comply with the terms and conditions of the compromise (Annexure-P2) regarding the remaining payment of ₹1,57,50,000/-. If any breach of the

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terms and conditions of the above compromise is made, then respondent No.2 will be at liberty to re-open the case and the petitioners will also be liable to action as per law for the breach of the terms and conditions of compromise.

January 13, 2015.

(Inderjit Singh)
Judge

hsp