

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

CRM-M No.4092 of 2013 (O&M)
Date of Decision:23.02.2015

Gurbax Singh & anr.

.... Petitioners

Versus

State of Punjab & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Ms. Neha Jain, Advocate for
Mr. K.S.Dadwal, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Naresh Kumar Sanghi, J. (Oral)

Prayer in the present petition filed under Section 482 Cr.PC, is for quashing of FIR No.99 dated 10.09.2012 for the offence punishable under Section 498-A IPC registered at Police Station Sadar Hoshiarpur, District Hoshiarpur and all the consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners contends that initially the present petition was presented for quashing of impugned FIR on merits, however, during the course of pendency of the present petition the better sense prevailed and the petitioners sorted out their dispute with respondent No.2/informant Raj Kumari. She further contends that after resolving the dispute Raj Kumari along with her husband Surjit Singh had filed a petition for grant of divorce under Section 13-B of Hindu Marriage Act before learned District Judge on 19.09.2013. On that day, their statements were recorded and then the case was fixed

for second motion and thereafter the said petition was accepted and decree of divorce on the basis of mutual consent was passed on 25.03.2014. She further contends that the petitioners are parents-in-law and in view of the totality of the facts and circumstances of the case the pendency of the impugned FIR and consequential proceedings is sheer abuse of process of law. It has also been pointed out that during her deposition before learned Trial Court, respondent No.2 has not supported the prosecution version and as such she was declared hostile at the request of the counsel for the State.

Learned counsel for the State on instructions from Head Constable Hans Raj, Police Station Sadar Hoshiarpur also admits that fact that during her deposition respondent No.2 Raj Kumari had resiled from her previous statement and did not support the prosecution version. He further admits that a divorce petition by way of mutual consent was filed before learned District Judge, Hoshiarpur, which was accepted.

Learned counsel for respondent No.2/informant Raj Kumari also admits the factum of compromise. In support of his contention, he has placed on record the affidavit of Raj Kumari, which is taken on record. He further submits that he has instructions to state at Bar that respondent No.2 has no objection if the impugned FIR and consequential proceedings are quashed qua the petitioners. He also admits that a divorce petition was presented by respondent No.2 along with her husband, which was accepted by learned District Judge, Hoshiarpur.

I have heard learned counsel for the parties and perused the material available on record.

The present criminal miscellaneous petition has arisen out of a matrimonial dispute. The petitioners are the parents of the husband of respondent No.2. Due to intervention of respectables and elder people of the society they have resolved all the disputes and effected a compromise. A decree of divorce by way of mutual consent has been passed by the learned District Judge, Hoshiarpur. Learned counsel for respondent No.2/informant has placed on record the affidavit of respondent No.2-Raj Kumari to the effect that compromise was effected between the private parties.

In view of the totality of the facts and circumstances of the case and taking into consideration the ratio of judgment delivered by Hon'ble Supreme Court in the matter of ***Shlok Bhardwaj vs. Runika Bhardwaj, 2015(1) RCR(Criminal) 249*** where it was held that the criminal proceedings initiated prior to the divorce by mutual consent cannot be continued and as such the FIR No.99 dated 10.09.2012 registered at Police Station Sadar Hoshiarpur and consequential proceedings arising therefrom qua the petitioners are hereby quashed.

The criminal miscellaneous petition stands disposed of.

23.02.2015
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(Naresh Kumar Sanghi)
Judge