

CRM-M-8643-2015 (O&M)

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

CRM-M-8643-2015 (O&M)

Date of Decision: October 31, 2015

Manjinder Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.S.S.Blassi, Advocate
for the petitioners.

Mr.K.S.Pannu, DAG, Punjab.

Mr.Subhash Manndi, Advocate
for respondent Nos.2 and 3.

.....

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

NARESH KUMAR SANGHI, J.(Oral)

CRM-8669-2015

Application for exemption is allowed as prayed for
subject to all just exceptions

CRM disposed of.

CRM-M-8643-2015

Prayer in this petition, filed under Section 482, Cr.P.C.,

is for quashing of FIR No.1, dated 09.01.2015, for the offences punishable under Sections 406 and 498-A, IPC, registered at Police Station, Women, Bathinda, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 16.02.2015 (Annexure P2).

Learned counsel for the petitioners submits that the present criminal litigation has arisen out of matrimonial dispute; both the parties have sorted out their dispute and effected a compromise, Annexure P2; as a sequel to the said compromise, a petition under Section 13-B of the Hindu Marriage Act 1955, was presented before the learned District Judge, Bathinda, which was accepted and a decree of divorce was passed in favour of petitioner No.1-husband and respondent No.3-wife.; in view of the compromise so effected, pendency of the present criminal proceedings will be sheer abuse of the process of law and that all the terms and conditions of the compromise, Annexure P2, have been materialised.

Learned counsel for the State, on instructions from ASI Sukhbir Singh, Police Station, Women, Bathinda, very fairly concedes that present criminal litigation has arisen out of a matrimonial dispute and the petitioners have sorted out their

dispute and effected a compromise with respondent No.3 (wife of petitioner No.1) and, as such, he is having no objection if the impugned FIR and consequential proceedings arising therefrom are quashed on the basis of compromise.

Learned counsel for respondent Nos.2 and 3 states at bar that he has the instructions to plead no objection for quashing of the impugned FIR and consequential proceedings emanating therefrom on the basis of compromise, Annexure P2. He further submits that as a consequence to the divorce petition filed under Section 13-B of the Hindu Marriage Act, 1955, a decree of divorce has been passed in favour of petitioner No.1 and respondent No.3.

After hearing the learned counsel for the parties and taking into consideration the ratio of the judgments 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, and another by a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), this petition is allowed. FIR No.1, dated 09.01.2015, for the offences punishable under Sections 406 and 498-A, IPC, registered at Police Station, Women,

Bathinda, and all the consequential proceedings arising therefrom, are quashed.

October 31, 2015
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(NARESH KUMAR SANGHI)
JUDGE