

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 1537 of 2015 (O&M)
Date of decision: 24.8.2015

Gurpreet Singh

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. C.M.Munjal, Advocate
for the petitioner.

Mr. J.S.Toor, Advocate
for U.T., Chandigarh.

Complainant in person.

SABINA, J.

Petitioner along with his other co-accused had faced the trial qua commission of offence punishable under Section 406, 498-A, 506, 120-B of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 182 dated 22.9.2007, registered at Police Station Industrial Area, Chandigarh. Trial Court vide judgment/order dated 9.9.2014 ordered the conviction and sentence of the petitioner under Section 498-A IPC and ordered the acquittal of the petitioner under Section 406, 506, 120-B. The other co-accused of the petitioner were acquitted of the charges framed against them. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 28.4.2015.

Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that petitioner had been falsely involved in this case as the petitioner and respondent No. 2 could not live together happily as husband and wife. In fact, the petitioner and respondent No. 2 had started residing separately but they could not live together happily as husband and wife which resulted in lodging of the FIR in question. However, now the parties have amicably settled their dispute. Parties have filed a petition under Section 13-B of the Hindu Marriage Act, 1955 ('Act' for short) seeking a decree of divorce on the basis of mutual consent. In pursuance to the compromise effected between the parties, petitioner has paid in all ₹ 14,00,000/- to the complainant.

Complainant is present in person and has admitted the factum of compromise between the parties. She has further stated that she has already received ₹ 7,00,000/- from the petitioner as the same was deposited by the petitioner in her account. She has further stated that she has received a draft today in the sum of ₹ 7,00,000/- from the petitioner. She has submitted that she will appear before the Trial Court on 8.1.2016 in the divorce petition filed by the parties under Section 13-B of the Act and in case she fails to appear, she will be bound to return the amount of ₹ 14,00,000/- received by her from the petitioner in terms of the compromise. Complainant has tendered her affidavit on record in this regard. She has further submitted that she has no objection if the proceedings against the petitioner are quashed.

In the present case, FIR in question was registered against the petitioner and his family members at the instance of respondent No. 2. The Trial Court ordered the acquittal of the

co-accused of the petitioner and convicted and sentenced the petitioner qua commission of offence punishable under Section 498-A IPC. In the present case, petitioner and respondent No. 2 got married on 2.4.2006. No child was born out of the said wedlock. As per the case of the complainant, she was given beatings by the petitioner. Petitioner and respondent No. 2 were living in a rented accommodation and she was thrown out of the matrimonial home by the petitioner.

From the facts and circumstances of the present case, it appears that the parties could not live together happily as husband and wife which resulted in lodging of the FIR in question. However, now the parties have amicably settled their dispute. Petitioner and respondent No. 2 have filed a petition under Section 13-B of the Act seeking a decree of divorce. As per the compromise effected between the parties, petitioner has paid ₹ 14,00,000/- to respondent No. 2.

Accordingly, this petition is allowed. Impugned judgments/order of the Courts below are set aside. Petitioner is ordered to be acquitted of the charge framed against him. Respondent No. 2 shall remain bound by the undertaking given by her in her affidavit dated 24.8.2015.

**(SABINA)
JUDGE**

August 24, 2015
Gurpreet