

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

CRM-M-38509-2007 (O&M)

Date of decision: 13.12.2016

Amarjeet Singh & Others

...Petitioners

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jaideep Verma, Advocate,
for the petitioners.

Mr. Ankur Jain, AAG, Punjab,
for the respondent-State.

None for respondent Nos. 2 & 3.

JAISHREE THAKUR, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 116 dated 18.05.2005 (**Annexure P-1**), under Sections 406 & 498-A of the Indian Penal Code, registered at Police Station Kharar, District Mohali and all subsequent proceedings arising therefrom.

2. Mr. Jaideep Verma, learned counsel appearing on behalf the petitioners contends that a marriage was solemnized between petitioner No.2 and respondent No.2 on 02.11.2003 according to the Sikh rites and ceremonies. On account of various differences, the parties could not lead happy married life and they started residing separately. Thereafter, father of respondent No.2 lodged an FIR against petitioner No.2 while roping in all family members in the aforesaid FIR. On the intervention of family

members and the respectables of the society a compromise was arrived at on 06.06.2005 in which it was decided that a decree of divorce would be obtained and a sum of ₹ 40,000/- would be paid as past and future maintenance by petitioner No.2 to respondent No.2. Pursuant to the said compromise, a decree of divorce was also obtained. A receipt was issued by respondent No.2 in which it was specifically mentioned that she had taken all dowry articles, jewellery and a sum of ₹ 40,000/- in the form of a cheque drawn at State Bank of Patiala. Subsequent to the decree of divorce respondent No.2 re-married with one Baljinder Singh son of Sh. Amrik Singh, out of which wedlock one male child was born to her. It is contended that the FIR that was lodged against the petitioner under Sections 406, 498A IPC at Police Station Kharar, District Mohali should be quashed on account of the fact that the matter stood resolved between the parties on the basis of a compromise and in the compromise it was noted that the complainant would not pursue the case arising out of the FIR lodged against the petitioners herein.

3. Notices were issued in the instant petition and appearance was put in on behalf of the complainant and complainant's daughter Manjit Kaur, the ex-wife of petitioner No.2. The matter was eventually admitted and proceedings under the said FIR were stayed.

4. I have heard learned counsel for the petitioner and learned State counsel and have also perused the record of the case.

5. Admittedly, marriage between petitioner No.2 and Manjit Kaur respondent No.2 came to be dissolved by a decree of divorce filed under Section 13-B of the Hindu Marriage Act. Manjit Kaur respondent No.2 had

also given a statement that as per the compromise she has received all her dowry articles/ gold jewellery as well as a sum of ₹ 40,000/-. On the basis of the said compromise which was arrived at by the complainant and the petitioners herein one of the terms of the compromise was that the complainant would not pursue with the FIR that had been registered. However, the said respondent has not come forward to make a statement regarding the genuineness of the compromise. It appears that the sole purpose of not coming forward by the private respondents is to harass the petitioners even after receiving maintenance and dowry articles. In a similar case that came before the Hon'ble Apex Court in ***Ruchi Agarwal vs. Amit Kumar Agrawal, 2005(3) S.C.C. 299***, the parties entered into a compromise and got divorce by mutual consent, however, the wife did not withdraw the FIR under Sections 498A & 506 IPC, despite entering into the compromise and getting the divorce by mutual consent. The Hon'ble Apex Court came to a conclusion that it was nothing but an abuse of process of law and proceeded to quash the FIR. Similarly, in the instant case after having entered into a compromise and obtaining all dowry articles as well as maintenance, the respondents herein are not coming forth to make a statement about the compromise.

6. In view of the fact that the parties herein remarried and settled and there is a child born to the ex-wife respondent No.2 herein, this is a case which calls for interference by this Court in the proceedings under Section 482 Cr.P.C.

7. In a decision, based on compromise, none of the parties is a loser. Rather, a 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 dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

8. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543*, this petition is allowed and FIR No. 116 dated 18.05.2005 (**Annexure P-1**), under Sections 406 & 498-A of the Indian Penal Code, registered at Police Station Kharar, District Mohali and all subsequent proceedings arising out of the same are quashed.

9. The petition stands disposed of.

13.12.2016

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No