

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25721 of 2016
Date of Decision: 30.09.2016

Jaswinder Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.B.D.Sharma, Advocate, for the petitioner.

Ms.Manpreet Dhaliwal, AAG, Punjab.

Mr.G.S.Bawa, Advocate, for respondent No.2.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.04 dated 12.03.2015, for the offence under Sections 498-A IPC registered at Police Station NRI Amritsar, District Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise vide statement dated 04.12.2015 and 02.07.2016 in HMA No.1275 of 2015 (Annexure P-2 and P-3).

It was alleged by the complainant that since the beginning of the marriage, the behaviour of the petitioners and their family members was rude towards her. They were not satisfied with the dowry articles brought by her at the time of marriage. Besides, they used to illtreat and taunt her for bringing inadequate dowry. They were maltreating, torturing and beating the complainant/respondent No.2 with a view to compel her to bring more

dowry from her parents as they were not satisfied with the quality and

quantity of the dowry and article given by her parents. On this background, the FIR was registered.

During the pendency of the trial, the matter has been resolved between the petitioner and respondent No.2 and they have decided to file a petition under Section 13B of Hindu Marriage Act, 1955 for dissolution of marriage by decree of divorce with mutual consent. As per settlement, the respondent No.2 has already received articles, gift and instridhan from the petitioner. It was further agreed that petitioner would pay a sum of Rs.13 lacs to the respondent No.2 as full and final permanent alimony. A sum of Rs.6,50,000/- was received by respondent No.2 by way of demand draft No.547643 dated 21.11.2015 and it was agreed between the parties that rest of the amount would be paid to the respondents at the time of final hearing of the petition under Section 13 B of HMA.

As per above settlement, respondent No.2 received the remaining amount of Rs.6,50,000/- on 02.07.2016 at the time of giving the final statement in the divorce petition. Copies of the statements dated 04.12.2015 and 02.07.2016 suffered by respondent No.2 before the learned Court, Amritsar in the divorce petition, are attached in this petition as Annexure P-2 and P-3.

In compliance with the order dated 29.07.2016 passed by this Court, the parties got recorded their statements before the trial Court. Report from the CJM, Amritsar, has been received in this regard. As per report, only accused-petitioner namely Jaswinder Singh has appeared before the trial Court on 06.08.2016 for getting their statements recorded in support of the compromise. In this regard statement of only accused-petitioner

namely Jaswinder Singh was recorded to the effect that he has compromised

the matter with Mandip Kaur-complainant out of his free will and willful consent and there was no pressure or coercion upon him and complainant has no objection if the present FIR is quashed qua him. However, complainant-respondent No.2 not appeared for recording her statement but as per her statements (Annexure P-2 and P-3), there are no chances of reconciliation amount complainant and petition, as such, her marriage may kindly be dissolved by decree of divorce with mutual consent. She has received all the claims and dowry articles from the petitioner and she would give necessary statement before the Court at the time of quashing petition and if, she fails to appear then it would be deemed that she has no objection for quashing of FIR qua the petitioner in her absence.

In view of the above, recording of statement of respondent No.2 is not required further because she has already made statement in a petition under Section 13 B of HMA. Accordingly FIR No.04 dated 12.03.2015, for the offence under Sections 498-A IPC registered at Police Station NRI Amritsar, District Amritsar (Annexure P-1) is quashed along with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

30.09.2016

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>