

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

Crl. Misc. No.M-33885 of 2015
Date of Decision: 22.03.2016

Ramanpreet Singh @ Raman

....Petitioner

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Siddharth Sharma, Advocate
for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Mr. Rohit Samhotra, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

Petitioner and complainant-respondent No.2, in the present petition, are husband and wife. However, during matrimonial life, the complainant was not happy with her relation to the petitioner. She made a complaint by alleging certain allegations of demand of dowry and harassment. On the basis of said complaint, FIR No.122 dated 22.07.2015 was registered at Police Station Sultanpur, District Kapurthala under Sections 498-A and 406 IPC.

During pendency of the proceedings, both the parties have settled their dispute with the intervention of respectables and friends. The complainant-respondent No.2 has no objection in quashing of the FIR as well as other proceedings arising therefrom. A written compromise was prepared by both the parties and was signed by them in presence of two witnesses. It has been mentioned in the compromise that due to

temperamental differences, the parties could not pull on together as husband and wife in spite of making all efforts to reconcile the matter. Subsequently, with the intervention of respectables and family friends, both the parties have agreed to file a divorce petition under Section 13-B of the Hindu Marriage Act. The accused-petitioner was to pay an amount of ₹ 2 lacs as full and final settlement towards past, present and future maintenance as permanent alimony and none of the parties was to file any case against each other. However, out of the total amount of ₹ 2 lacs, a sum of ₹ 01 lac has been paid to the complainant and the remaining amount was to be paid at the time of grant of divorce as per terms and conditions of the written compromise.

The present petition has been filed for quashing of FIR, in question, on the basis of compromise.

Notice of motion in the case was issued on 05.10.2015 and thereafter, as per directions issued by this Court on 10.12.2015, the statements of the parties were recorded, wherein, the factum of compromise has been affirmed. Complainant-respondent No.2- Maninder Kaur has stated in her statement that the compromise arrived at between the parties is without any pressure from either side. She has also admitted that a petition filed under Section 13-B of the Hindu Marriage Act is pending.

Learned counsel appearing for respondent No.2 submits that the complainant-respondent No.2 has no objection in quashing of the FIR as well as other proceedings arising therefrom.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file, including the written compromise signed by both the parties as well as statements of the parties.

It is a matrimonial dispute, which has been settled between both the parties and they have decided to remain separate. Certain terms and conditions have been settled between the parties and both the parties undertook to withdraw the litigation pending between them and to take divorce with mutual consent.

Since the dispute between the parties has been settled by way of compromise and the complainant is satisfied with the compromise and she has no objection in quashing of the FIR and moreover, no purpose would be served, in case, the proceedings are allowed to be continued, the ultimate result would be acquittal as the complainant is not going to support the case of the prosecution. The continuation of the proceedings would be an exercise in futility and will not only be the wastage of valuable time of the Court but it would also be not in the interest of both the parties.

Accordingly, the present petition is allowed and FIR No.122 dated 22.07.2015 registered under Sections 498-A and 406 IPC at Police Station Sultanpur, District Kapurthala along with all consequential proceedings arising therefrom, qua petitioner-Ramanpreet Singh @ Raman are hereby quashed.

22.03.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE