

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

Crl. Misc. No.M-34540 of 2015 (O&M)

Date of Decision: 12.05.2016

Sukhjinder Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Amit Gupta, Advocate
for Mr. Vipin Mahajan, Advocate
for the petitioners.

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

None for respondent No.2.

DAYA CHAUDHARY, J.

Criminal Misc. No.15141 of 2016

This application has been moved for placing on record Annexure P-4 and also for exemption from filing certified copy of the same.

Criminal Misc. Application is allowed as prayed for.

Criminal Misc. No.M-34540 of 2015

Petitioners, namely, Sukhjinder Singh, Partap Singh and Narinder Kaur are accused in case, FIR No.7 dated 05.02.2011 registered under Sections 406 and 498-A IPC at Police Station Kalanaur, District

Gurdaspur, Punjab along with all subsequent proceedings arising therefrom on the basis of compromise.

The FIR, in question, was registered on the basis of complaint made by respondent No.2. The marriage between petitioner No.1 and respondent No.2 was solemnized on 23.11.2002. Both the parties remained together in the matrimonial home. No child was born out of the said wedlock. Some differences arose between the parties, which resulted into separation. Respondent no.2 left the matrimonial home and went to her parents' house. Thereafter, the litigation started between the parties, which resulted into registration of FIR.

With the intervention of respectables and family members, the matter between the parties was compromised. As per compromise, a joint petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage was filed. The first motion statement was recorded on 31.08.2015. It was settled that petitioner No.1 will pay an amount of ₹ 6,15,000/- to respondent No.2 as full and final settlement towards maintenance. An amount of ₹ 3,15,000/- was paid at the time of recording of first motion statement and the remaining amount was paid at the time of recording of second motion statement. The marriage between the parties was dissolved by way of mutual consent.

Learned counsel for the petitioners submits that the dispute between the parties has been settled. The petition filed under Section 13-B of the Hindu Marriage Act has been allowed and the marriage has been dissolved with mutual consent. Respondent no.2 has been paid the total amount as settled in the compromise.

Complainant-respondent No.2 has no objection in quashing of FIR as well as other proceedings arising therefrom.

Respondent no.2 was served but none has put in appearance

on her behalf but copy of the decree of divorce is on record, which shows that the marriage between the parties has been dissolved with mutual consent in a petition filed under Section 13-B of the Hindu Marriage Act.

It is a matrimonial dispute and has been settled between the parties. Complainant has no grouse against the petitioners as she has been paid amount in *lump sum*, including past, present and future maintenance. No purpose is going to be served, in case, the proceedings are allowed to continue as the complainant is not going to support her version.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR (Criminal) 1052*** has also observed that the proceedings can be quashed even in case of non-compoundable offences, in case, the compromise is there between the parties.

By exercising the powers under Section 482 Cr.P.C and by considering the interest of the parties, the present petition is allowed. FIR No.7 dated 05.02.2011 registered under Sections 406 and 498-A IPC at Police Station Kalanaur, District Gurdaspur, Punjab along with all consequential proceedings arising therefrom qua petitioners-Sukhjinder Singh, Partap Singh and Narinder Kaur are hereby quashed.

However, it is made clear that in case, any of the terms and conditions of the compromise arrived at between the parties has not been complied with then the complainant is at liberty to move an application for recalling of this order.

12.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE