

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No. M-36080 of 2015(O&M)
Date of decision : 26.02.2016**

Amandeep Singh @ Amanpreet Singh

..... Petitioner

versus

State of Punjab & Anr.

... Respondents

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Argued by: Mr. S.P.S. Aulakh, Advocate
for petitioner.**

Mr. K.S. Aulakh, AAG Punjab.

None for respondent No.2. .

ANITA CHAUDHRY, J.

The petitioner is seeking quashing of FIR No. 22 dated 06.03.2013, registered under Sections 406 and 498-A IPC at Police Station Women, Ludhiana, on the basis of compromise, Annexure P-2.

The petitioner was married to respondent No.2 on 15.01.2011. She got the FIR registered against the petitioner and five others on the allegations that she was harassed and maltreated by them for bringing dowry. She was turned out of the matrimonial home and her *istridhan* was misappropriated.

Notice of the petition was issued and the parties were directed to appear before the trial Court for recording their

statements in respect of the compromise.

As reported by the trial Court, respondent No.2 had not turn up for getting her statement recorded. Even none had appeared on behalf of respondent No.2 before this Court despite service.

I have heard learned counsel for the petitioner as well as State counsel and have gone through the paper-book carefully.

Paper-book shows that compromise, Annexure P-2 was entered between the parties on 16.07.2013. Acting upon it, the parties filed a decree of divorce by mutual consent. Joint statement of the parties was recorded at first motion stage on 17.07.2013, wherein it was mentioned that a compromise had been effected between the parties it was agreed between the parties that they would part ways. The husband would pay a sum of Rs.75000/- to the wife in lieu of past, present and future maintenance. A sum of Rs.35,000/- was paid on that date while balance Rs.40,000/- was to be paid at second motion stage. It was also mentioned in the statement that the wife would suffer statement in Court in favor of husband in FIR No.22 dated 6.3.2013(Annexure P-1).

On 18.01.2014 joint statement of the parties was recorded during second motion stage. The wife acknowledged the receipt of balance Rs.40,000/- and stated that she had made statement in the Court in favor of the accused in FIR No.22 dated 06.03.2013.

After that decree of divorce by mutual consent was passed on 18.01.2014.

It appears that to wriggle out of the compromise, respondent No.2 deliberately did not turn up for her statement before the Court below nor she appeared before this Court. The compromise was duly executed. She had received the full and final settlement amount from the petitioner and a decree of divorce by mutual consent was passed. She had agreed to statement in favour of the petitioner. But she failed to do so. She had not honoured the compromise. The petitioner had performed his part of the obligation under the compromise. She cannot be permitted to back out from the compromise without any valid and legal ground.

In this view of the matter, the Court is of the considered opinion that continuance of prosecution against the petitioner would be an abuse of process of law. Reference can be made to **Ruchi Agarwal Vs. Amit Agrawal, 2004(4) RCR (Crl.) 949, Mohd. Shamim Vs. Smt. Nahid Begum, 2005(1) RCR(Crl.) 697, Rajesh & Ors. Vs. State of Haryana & Ors. 2013(1) Law Herald (P&H) 909, Shlok Bhardwaj Vs. Runika Bhardwaj & Ors. 2015(1) RCR(Crl.) 249 and Jitender Bhargav Vs. State of Haryana & Anr. (Crl.Misc.No.M-34829 of 2014, decided by this Court on 21.05.2015).**

There is no legal impediment in exercising the powers under Section 482 Cr.P.C. considering the facts of the case.

Therefore, in view of the discussion made above, the instant petition is allowed and the impugned FIR and consequent proceedings thereto, qua petitioner are quashed.

February 26, 2016
Jiten

(ANITA CHAUDHRY)
JUDGE