

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

**Crl. Misc. No. M-39189 of 2015(O&M)
Date of decision : 06th October, 2016**

Palwinder Singh and others

..... Petitioners

versus

State of Punjab & Anr.

... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

**Present: Mr. Sandeep Arora, Advocate
for the petitioners.**

**Mr. Mikhail Kad, AAG Punjab
for respondent No.1-State.**

**Mr. Arun Abrol, Advocate
for respondent no.2.**

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JAISHREE THAKUR, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.47 dated 24.07.2015, under Sections 498-A, 406, 120-B IPC, registered at Police Station Kahnuwan, District Gurdaspur.

Petitioner No.1-Palwinder Singh and respondent No.2-Palwinder Kaur got married on 25th September, 2012. After solemnisation of the marriage, petitioner No.1 left for Italy, leaving behind respondent No.2 in her matrimonial home. Various differences arose and it was alleged by respondent No.2 that there was a demand

of dowry, which led to filing of FIR No.47 dated 24.07.2015 under Sections 498-A, 406, 120-B IPC, registered at Police Station Kahnuwan, District Gurdaspur. After filing of the said FIR, a compromise came to be effected between the parties on 13th August, 2014, which led to the filing of the instant petition for quashing of the FIR and all the subsequent proceedings arising thereunder. During the pendency of the proceedings in the High Court, counsel for respondent No.2 agreed to the factum of compromise and it was also decided therein that a divorce petition under Section 13-B of Hindu Marriage Act would be filed. Vide order dated 17th March, 2016, a coordinate Bench of this court noted the fact that counsel for the parties have undertaken to file petition under Section 13-B of Hindu Marriage Act, within a period of two months and in case needs so arise, petitioner No.1 would come down to India for doing the needful.

Learned counsel for respondent No.2-wife submits that since the petitioner No.1 did not appear to file a joint petition under Section 13-B of Hindu Marriage Act, a petition under Section 13 of Hindu Marriage Act was preferred and an *ex parte* decree of divorce dated 04th May, 2016, has already been passed and in view of the said divorce, he has no objection, in case the FIR is quashed.

After having heard the learned counsel for the parties and relying upon the judgment of Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007**

(3) RCR (Criminal) 1052, it is held that no useful purpose will be

achieved in allowing the FIR to continue. Since the matter has been compromised and a decree of divorce has already been granted to respondent No.2-wife, the instant petition is allowed and the aforesaid FIR and all consequent proceedings arising therefrom are quashed qua the petitioners.

October 06, 2016

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**(JAISHTREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No