

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

Crl. Misc. No.M-40640 of 2015

Date of Decision: 11.05.2016

Sanjeev Chaudhary

....Petitioner

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. D.K. Singal, Advocate
for the petitioner.

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

Mr. Mukesh Garg, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No.52 dated 22.06.2013 registered under Sections 498-A and 497 IPC at Police Station Women Cell, Jalandhar along with all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

The marriage between the petitioner and respondent No.2 was solemnized on 28.06.1998 and out of the said wedlock, two children were born. After sometime of the marriage, the relations between the petitioner

and respondent No.2 became strained due to temperamental differences and both the parties started living separately since 18.03.2013. Both the children are also residing with complainant-respondent No.2. All efforts were made by the family members and the relatives for patching up the differences arose between the parties but could not succeed. However, on the basis of complaint made by respondent No.2, the FIR, in question was registered against the petitioner-husband. A good sense prevailed upon the parties and with the intervention of common friends, relatives and well wishers, a compromise between the parties was effected on 20.05.2015, which was reduced into writing. As per terms and conditions of the compromise, a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage with mutual consent was decided to be filed. It was also decided that all civil/criminal cases filed against each other will be withdrawn. It was also settled that the petitioner will pay an amount of Rs.1,25,00,000/- in lieu of maintenance to respondent No.2 as well as to the children. The said amount will be total maintenance for the present, past and future of respondent No.2 as well as for both the children.

Learned counsel for the petitioner submits that out of the settled amount, a sum of Rs.20 lacs was paid on 20.05.2015. An amount of Rs.44 lacs stood paid for purchase of house. A joint statement of the petitioner and respondent No.2 was recorded in the divorce petition on 21.05.2015. At the stage of first motion statement, the amount was paid as per settlement arrived at between the parties. Thereafter, second motion statement was also recorded and the remaining part of the amount was paid. Petition filed under Section 13-B of the Hindu Marriage Act was allowed and the marriage was dissolved by way of mutual consent.

Learned counsel appearing on behalf of respondent No.2 affirms the factum of compromise and dissolution of marriage with mutual

consent.

After hearing learned counsel for the parties and on perusal of joint petition filed under Section 13-B of the Hindu Marriage Act and also the compromise arrived at between the parties, which is annexed as Annexure P-2 with the petition, it is clear that the amount has been paid as per agreed terms and conditions mentioned in the compromise. The complainant has no objection in quashing of FIR as well as other proceedings arising therefrom. Both the parties appeared before the Judicial Magistrate Ist Class, Jalandhar for recording of their statements with regard to compromise as per directions issued by this Court on 09.02.2016. Complainant-respondent No.2 has specifically stated in her statement that she has received the amount as per terms and conditions of the compromise and now, she has no objection in quashing of FIR registered against the petitioner.

Since the dispute between the parties has been settled by way of compromise and the complainant has received the amount in *lump sum* as per terms and conditions of the compromise and the marriage between the parties has also been dissolved with mutual consent, there is no justification in allowing the proceedings against the petitioner.

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 submissions made by learned counsel for the petitioner as well as statement of the complainant recorded before the Judicial Magistrate Ist Class, Jalandhar, the present petition is allowed. FIR No.52 dated 22.06.2013 registered under Sections 498-A and 497 IPC at Police

Station Women Cell, Jalandhar along with all consequential proceedings arising therefrom qua petitioner-Sanjeev Chaudhary are hereby quashed.

11.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE