

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

**Criminal Misc. No. M-41107 of 2015
Date of decision: 17.05.2016**

Basant Singh @ Kala and others

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether reporters of local newspapers may be allowed to see 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. Vivek Goel, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab
for respondent No.1– State.

Mr. Nitin Rampal, Advocate
for respondent No.2.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.45 dated 05.06.2010 registered under Sections 498-A, 406 of Indian Penal Code (for short 'IPC') at Police Station Dayalpura, District Bathinda on the basis of compromise arrived at between the parties.

Petitioner No.1 is husband of respondent No.2 whereas other petitioners are the family members of petitioner No.1. The marriage of petitioner No.1 was solemnized with respondent No.2 on 08.07.2009 and both of them remained together for some time but could not pull on their matrimonial life. Some differences arose between them and respondent No.2 made a complaint, on the basis of which, the aforesaid FIR was registered.

Subsequently, during pendency of the proceedings, the dispute between the

parties was settled by way of compromise and it was decided to file a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') for grant of divorce with mutual consent. An amount of ₹12 lacs was to be paid to complainant. As per terms and conditions of the compromise, first installment of ₹6 lacs was to be paid at the time of recording of first motion statement and the remaining amount was to be paid at the time of recording of second motion statement.

Learned counsel for the petitioners submits that the petition filed under Section 13-B of the Act has been allowed and marriage has been dissolved by way of decree of divorce with mutual consent. The amount settled between the parties has been paid to complainant-respondent No.2.

Learned counsel for respondent No.2 has also affirmed the submissions made by learned counsel for the petitioners with regard to compromise as well as allowing of petition under Section 13-B of the Act. Learned counsel also submits that respondent No.2 has received the amount settled between the parties and has no objection in quashing of the FIR and other proceedings.

Heard arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR as well as other documents available on the file.

In response to the directions issued by this Court on 04.12.2015, the parties appeared before Judicial Magistrate Ist Class, Phul and their statements with regard to compromise were recorded. A report along with the statements of the parties has been sent, which is on record wherein the factum of compromise has been affirmed. It has also been

is as per their free will and without any pressure or coercion from other side. Complainant-respondent No.2 has specifically stated in her statement that she has no objection in quashing of the FIR and other proceedings.

The dispute between the parties is matrimonial in nature and the same has been settled by way of compromise. The petition filed under Section 13-B of the Act has been allowed and the amount settled between the parties has been paid to respondent No.2. Complainant-respondent No.2 has no objection in quashing of the FIR and other proceedings. Moreover, no purpose would be served in case proceedings are allowed to be continued in future as it would result into wastage of precious time of the Court.

Accordingly, by exercising the powers provided under Section 482 Cr.P.C. and by considering the compromise arrived at between the parties, the present petition is allowed and the criminal proceedings arising out of FIR No.45 dated 05.06.2010 registered under Sections 498-A, 406 IPC at Police Station Dayalpura, District Bathinda qua petitioners, namely, Basant Singh @ Kala, Angrej Kaur, Karnail Singh, Paramjit Kaur, Sukhwinder Kaur, Jaspreet Kaur, Manpreet Kaur and Rajinder Kaur, are hereby quashed.

17.05.2016
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(DAYA CHAUDHARY)
JUDGE