

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

**CRR No.3300 of 2010 (O&M)
Date of decision:15.11.2016**

Radha Singh ... Petitioner

Vs.

State of Punjab ... Respondent

2. CRR No.302 of 2011 (O&M)

Daljit Singh ... Petitioner

Vs.

State of Punjab & another ... Respondents

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.**

Present: Mr. S.S. Rangi, Advocate for the petitioner(s).

Mr. Arnav Sood, Advocate for the respondent.

Mr. R.S. Randhawa, Additional A.G., Punjab.

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M. JEYAPPAUL, J, (Oral).

Revision-petitioner, Daljit Singh and his father Radha Singh were convicted for an offence under Section 498-A IPC and sentenced to undergo RI for a period of two years and to pay a fine of Rs.1000/- and in default of payment of fine to further undergo SI for a period of three months each.

Accused Daljit Singh has preferred CRR No.302 of 2011 and his father Radha Singh has preferred CRR No.3300 of 2010 aggrieved by the above conviction and sentence passed by the competent criminal Court and confirmed by the Appellate Court.

On the basis of complaint lodged by Veer Kaur, mother of

Jaswant Kaur, a case under Section 406/498-A IPC was registered against six persons including these two convicts and one Kartar Kaur, mother of Daljit Singh. The case launched against other three accused was quashed by the High Court and as a result of which, only accused Daljit Singh, Radha Singh and Kartar Kaur faced trial for the aforesaid charges. Daljit Singh, Radha Singh and Kartar Kaur were convicted by the trial Court but during the pendency of appeal, accused Kartar Kaur passed away and the judgment passed by the trial Court against Daljit Singh and Radha Singh was affirmed by the Appellate Court. The present revision petitions have been preferred by Daljit Singh and Radha Singh, separately challenging the affirmation of the conviction recorded by the Appellate Court.

Accused Daljit Singh filed petition under Section 13 of the Hindu Marriage Act before the trial Court against his wife, Jaswant Kaur. The same was dismissed by the trial Court and, therefore, Daljit Singh has preferred FAO-M-417-2014 challenging the dismissal of his petition seeking divorce.

The matrimonial dispute between Daljit Singh and his wife Jaswant Kaur has been amicably settled. In fact, a compromise deed was entered into between Daljit Singh and his wife Jaswant Kaur. In terms thereof, it was submitted by the counsel appearing for the revision-petitioners and counsel for the daughter of complainant that both the parties have agreed to obtain divorce by mutual consent. As per the settlement, Jaswant Kaur has received a sum of Rs.5 lacs today and expressed no objection for allowing the criminal revision filed by Daljit Singh so that a decree of divorce by mutual consent could be obtained by Daljit Singh and Jaswant Kaur.

based on the complaint lodged by the mother of Jaswant Kaur, accused Daljit Singh and Radha Singh along with others faced the trial for the charge under Section 498-A IPC. The trial Court convicted the revision-petitioners and Kartar Kaur under Section 498-A IPC. The Appellate Court also confirmed the conviction and sentence passed by the trial Court.

We find that the matrimonial dispute was the source for lodging the complaint under Sections 406/498-A IPC by the mother of Jaswant Kaur. Both the parties have arrived at a settlement which is reflected in the settlement deed produced in FAO-M-417-2014. Jaswant Kaur expressed no objection for the criminal revision to be allowed by the Court to facilitate them to obtain divorce by mutual consent. When the parties have settled their matrimonial dispute, we do not propose to stand in the way of the parties to obtain a divorce by mutual consent. If these revisions are decided on merit, the parties may not be able to obtain a decree of divorce by mutual consent, inspite of the compromise entered into by them, resolving their matrimonial dispute amicably.

Quashing of the proceedings initiated by the mother of Jaswant Kaur which culminated in conviction under Section 498-A IPC is necessitated in order to pave way for the parties to reap the benefit of amicable settlement of the matrimonial dispute between accused Daljit Singh and Jaswant Kaur.

Therefore, for all these reasons, the criminal proceedings arising out of FIR No.42 dated 21.11.2000, under Section 498-A IPC, registered at Police Station Dasuya and all other proceedings emanating therefrom are quashed to facilitate the parties to arrive at amicable settlement of their matrimonial dispute. The revisions are disposed of

A photocopy of this order be placed on the connected file of this case.

(M. JEYAPPAUL)
JUDGE

15.11.2016
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether reportable? | No |
| ii) | Whether speaking/reasoned? | Yes |