

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-43638 of 2015 (O&M)

DATE OF DECISION: 19.05.2016

Gurvinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper 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. Palvinder S. Sarna, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. M.S. Uppal, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No. 70 dated 26.3.2009 registered under Sections 406,498-A IPC at Police Station Division No. 8, Jalandhar, on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered on the basis of complaint made by respondent No.2, wherein, certain allegations of demand of dowry and harassment were levelled.

Learned counsel for the petitioner contends that the petitioner was married to respondent No.2 on 17.4.1999 and out of the said wedlock,

a daughter was also born on 12.7.2000. The petitioner and respondent No.2 resided together for sometime but subsequently some temperamental differences arose between them. A complaint was made by respondent No.2. Learned counsel further contends that both the parties mutually decided to part ways by entering into a compromise, which was signed by them. As per terms and conditions settled in the compromise, a petition under Section 13-B of the Hindu Marriage Act was filed, wherein, statement of first motion was recorded. Out of total settled amount of ₹ 6,25,000/-, an amount of ₹ 3 lacs was paid to respondent No.2 and now the same is pending for 11.7.2016 for recording of second motion statement. It is also the contention of learned counsel that the complainant has specifically stated in her statement recorded in view of direction issued by this Court on 23.12.2015 that she has no objection in quashing of the FIR and other proceedings.

Learned counsel for respondent No.2 has also not disputed the submission made by learned counsel for the petitioner.

Heard the arguments advanced by learned counsel for the parties and have also perused the memorandum of compromise as well as the statements of the parties recorded as per direction issued by this Court.

Admittedly, both the parties have mutually settled their dispute and have decided to remain separate from each other and for that petition under Section 13-B of the Hindu Marriage Act has also been filed, which is pending for recording of second motion statement on 11.7.2016. The complainant has no objection in quashing of the FIR as part payment has been paid to her and remaining payment is to be paid at the time of recording of second motion statement.

By considering the submissions made by learned counsel for the parties and exercising the powers under Section 482 Cr.P.C. and also

the fact that the compromise is in the interest of the parties, the present petition is allowed and all criminal proceedings arising out of FIR No. 70 dated 26.3.2009 registered under Sections 406,498-A IPC at Police Station Division No. 8, Jalandhar as well as all subsequent proceedings arising therefrom qua petitioner, namely, Gurvinder Singh, are hereby quashed.

May 19, 2016
pooja

(DAYA CHAUDHARY)
JUDGE