

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

**Criminal Misc. No. M-5662 of 2016
Date of decision: 23.04.2016**

Dr. Kamaljeet Singh Sehdev and others ..Petitioners

Versus

State of Punjab and others ..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. Aman Bansal, Advocate
for the petitioners.

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

Mr. Sunil K. Sahore, Advocate
for respondents No.2 and 3.

Daya Chaudhary, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.44 dated 07.05.2013 registered under Sections 498-A, 406 of Indian Penal Code (for short 'IPC') at Police Station Phase-XI, Mohali on the basis of compromise arrived at between the parties on the basis of Mediation report dated 30.08.2013.

The marriage between petitioner No.1 and respondent No.3 was solemnized on 06.02.2005. Both the parties resided together at Ludhiana for few months and thereafter, they shifted to

Shillong in June 2006. Thereafter, some differences arose between the parties and relations became strained. Complainant-respondent No.3 filed a petition under Section 32 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Domestic Violence Act'), which was modified by filing another application. Thereafter, respondent No.3 filed a transfer petition before Hon'ble the Supreme Court seeking transfer of the proceedings under the Domestic Violence Act pending at Shillong to Mohali. During pendency of the transfer petition, father of respondent No.3 got registered the aforesaid FIR. Hon'ble the Apex Court vide its order dated 02.07.2013, directed the petitioners to amicably resolve the dispute by referring the matter before the former Judges of the Delhi High Court for an amicable settlement by mediation. Meantime, petitioner No.1 was granted bail subject to deposit of an amount of ₹3,00,000/- each in the names of daughters, which was subject to outcome of the mediation proceedings as directed by Hon'ble the Apex Court. In compliance of said directions, petitioner No.1 made two term deposits for the principal amount of ₹3,00,000/- each for a period of one year in the name of two daughters. The matter was settled between the parties and both of them finally agreed to file a petition for grant of divorce with mutual consent. Thereafter, respondent No.3 moved an application before Hon'ble the Apex Court for modification of the settlement agreement. Said application as well as transfer petition were disposed of vide order dated 08.10.2013 with the direction to

the parties to take steps in accordance with the settlement arrived at with the help of the mediators and the report submitted by them to the Court. Thereafter, a petition for grant of divorce with mutual consent was filed before the District Judge, Mohali, which was allowed and the marriage was dissolved. Thereafter, the present petition has been filed for quashing of FIR and other proceedings on the basis of compromise.

Learned counsel for the petitioners submits that the dispute between the parties has been settled by way of compromise and respondents No.2 and 3 have no objection in quashing of the FIR and other proceedings. Learned counsel also submits that all the terms and conditions of the compromise have been complied with by both the parties and the parties are satisfied with the compromise. Nothing remains to be paid now as all the terms and the conditions of the compromise have been complied with and the divorce petition filed under Section 13-B of the Act has also been allowed. The payment has already been made to the respondent-wife.

Learned counsel appearing for respondents No.2 and 3 has not disputed the submissions made by learned counsel for the petitioners and also the factum of allowing of petition under Section 13-B of the Hindu Marriage Act.

The terms and conditions of the compromise as settled between the parties before the Mediators are reproduced as under: -

“1. Their marriage may be dissolved by a decree

of divorce by mutual consent.

2. The custody of their children will remain with their mother namely Dr. Japnet Kaur SehDave.

3. The father of the children namely Dr. Kamaljit Singh SehDave shall have visitation rights in the following manner:

a) 60% of the winter and summer vacations of the children shall be spent with their father Dr. Kamaljit Singh SehDave in Shillong Meghalaya or as suggested by him.

b) Expense towards ordinary air fare of the children for such visits shall be borne by father.

4. Dr. Kamaljit Singh SehDave shall start paying Rs.30,000/- per month towards the maintenance etc. of the children with effect from the date of dissolution of marriage and he shall continue to pay the said amount per month till the younger child attains majority.

5. Dr. Kamaljit Singh SehDave shall pay a lump-sum amount of Rs.1 crore to Dr. Japneet Kaur on the date of the passing of decree of divorce by mutual consent.

6. Upon dissolution of marriage by mutual consent Dr. Japneet Kaur SehDave shall not

have any claim of any sort on any property of Dr. Kamaljit Singh Sehdave whether self-acquired or acquired by inheritance or in any other manner.

7. Dr. Japneet Kaur Sehdave shall withdraw all civil/criminal cases filed by her against Dr. Kamaljit Singh Sehdave and/or his parents or relatives. She shall also have no objection to the withdrawal of any such case by the state or on her behalf and shall extend all help and assistance in bringing such litigation to an end.

8. Dr. Kamaljit Singh Sehdave requires about three months time to arrange the agreed sum of rupees one crore.”

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. All cases pending between the parties have been withdrawn because of the compromise. Respondents No.2 and 3 have no objection in quashing of the FIR and other proceedings. Moreover, no purpose would be served in case proceedings are continued in future as it would amount to wastage of precious time of the Court.

Accordingly, the present petition is allowed and the impugned criminal proceedings arising out of FIR No.44 dated

07.05.2013 registered under Sections 498-A, 406 IPC at Police Station Phase-XI, Mohali as well as all subsequent proceedings arising therefrom qua petitioners, namely, Dr. Kamaljeet Singh Sehdev, Dr. Manmohan Singh Sehdev and Meena Sahdev, are hereby quashed.

23.04.2016
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(DAYA CHAUDHARY)
JUDGE