

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

CRM-M No.12725 of 2016

Date of Decision: 30.03.2017

SUKHVIR SINGH AND ANR.

.....Petitioners

Vs

STATE OF PUNJAB AND ANR.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sunil Agnihotri, Advocate
for the petitioners.

Mr. Deep Singh, A.A.G., Punjab.

Mr. Vishal Munjal, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

The present petition was filed on 08.04.2016 on the basis of the then compromise dated 31.03.2016 vide which it was resolved between the parties for separation. However, at a subsequent stage parties in their wisdom reconciled the dispute and decided to live together in order to save their matrimonial ties.

Vide order dated 19.01.2017, this Court has noticed the present status of the parties in the context of their willingness to live together and to bury the ongoing litigation between them. The following order was passed on that day:-

“Ms. Amandeep Kaur, Advocate, appears on behalf of respondent No. 2 and files Power of Attorney. The

same is taken on record subject to just exceptions.

Prayer in this petition is for quashing of FIR No. 26, dated 17.02.2016 (Annexure P-1) registered under Sections 498A, 323,506,34 of the Indian Penal Code ('IPC' - for short) at Police Station Sadar Khanna, Police District Khanna, on the basis of compromise dated 31.03.2016 (Annexure P-3) entered into between the parties.

As per compromise (Annexure P-3) it was decided by petitioner No. 1 and respondent No. 2 to seek divorce by filing a petition under Section 13-B of the Hindu Marriage Act. Learned counsel for the parties, however, submit that subsequently petitioner No. 1 and respondent No. 2 have decided to live together. The petition under Section 13-B of the Hindu Marriage Act has been withdrawn on 03.11.2016. Both of them are cohabiting together along with their minor daughter.

Petitioner No. 1 and well as respondent No. 2 are both present in the Court. Respondent No. 2-Amandeep Kaur, who is duly identified by her counsel, reiterates the above said position and states that as she is living with her husband, she does not wish to pursue the above said FIR.

In view of above, the parties are directed to appear before the learned trial Court on 31.01.2017. Their statements in respect to the compromise shall be recorded on the said date or any other date subject to the convenience of the trial Court. Report be submitted by the said Court in regard to the genuineness of the compromise, whether it has been entered into out of the free will and volition of the parties, without any fear, apprehension, undue influence or coercion. The total number of accused persons be intimated. It should also be informed whether any of the petitioners are proclaimed offenders. Any other case pending against the petitioners should also be noted.

List on 30.03.2017.”

In compliance of the aforesaid order, both the parties have got recorded their statements before the Judicial Magistrate, 1st Class, Khanna on 31.01.2017. Factum of compromise and living together have been duly endorsed by the parties in their statements. Even today both the parties i.e. husband and wife are present in Court. They have been identified by their respective counsel. They have endorsed their living together now.

In view of above, I am of the view that continuation of the criminal proceedings would be an abuse of process of law. In order to achieve the ends of justice, it would be just and appropriate to culminate the criminal prosecution in the interest of both the parties.

Accordingly, FIR No.26 dated 17.02.2016 under Sections 498A, 323, 506, 34 IPC registered at Police Station Sadar Khanna, Police District Khanna along with all other consequential proceedings arising therefrom are hereby quashed.

Petition stands disposed of accordingly.

March 30, 2017

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No