

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

**CRM-M-1872-2017
Date of decision: 28.08.2017**

Sanam Monga & others

...Petitioners

Versus

State of Punjab & Another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G. L. Bajaj, Advocate
for the petitioners.

Mr. M. S. Nagra, AAG, Punjab.

None for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 4 dated 04.02.2016, under Sections 498-A, 406, 494, 420 and 34 of the IPC, at Women Police Station, Ferozepur and all subsequent proceedings arising therefrom in view of the statement dated 02.07.2016 (Annexure P-3) given before the District Judge, Ferozepur.

The marriage of respondent No. 2 was solemnized on 25.04.2015 with petitioner No. 1-Sanam Monga as per Hindu rites and rituals. Out of this wedlock, no child was born to them. Due to temperamental differences between the husband and wife, matrimonial dispute arose and the aforesaid FIR has been registered on the statement of complainant/respondent No. 2-Monika. However, with the intervention of respectable persons, the dispute was settled between the parties and it was

decided that they would part their ways. Consequently, proceedings, under Section 13-B of the Hindu Marriage Act, were initiated and a decree of divorce was obtained. A copy of the same has also been placed on record. The petitioner has in fact made a payment of Rs. 2,40,000/- as permanent alimony in terms of the compromise and a joint statement was recorded to the effect that they would withdraw the cases registered against each other, if any. In pursuance thereto, the instant petition has been filed seeking quashing of the aforesaid FIR.

Notice of the instant petition was issued to respondent No. 2, however, despite service, there is no representation on her behalf. Counsel for the petitioners urges that since all matters have been resolved amicably and it was decided that all the litigations would be withdrawn, the FIR deserves to be quashed.

Learned Assistant Advocate General, Punjab submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

I have heard counsel for the parties and in view of the fact that the parties during the proceedings, under Section 13-B of the Hindu Marriage Act, have given statement that they would withdraw all matters, this Court feels no necessity of sending the parties for recording of their statements regarding the genuineness of the compromise. Moreover, the marriage already stood dissolved on 22.02.2017 and a decree of divorce has been obtained.

Consequently, keeping in view the fact that the dispute has been

amicably settled and in view of the law laid down by the Hon'ble Supreme Court in *Narinder Singh & others vs. State of Punjab & another, (2014) 6 SCC 466*, this petition is allowed and FIR No. 4 dated 04.02.2016, under Sections 498-A, 406, 494, 420 and 34 of the IPC, at Women Police Station, Ferozepur and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

August 28, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No