

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

Crl. Misc. M 26243 of 2016 (O&M)
Date of decision: 13.11.2017

Gulshan and others

...Petitioners

Versus

Ranju

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Veneet Sharma, Advocate
for the petitioners.

Mr. R.D. Sharma, Advocate,
for the respondent.

JAISHREE THAKUR, J. (Oral)

This petition that has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of Criminal Complaint No. 653 of 2013 dated 30.5.2013 titled “Ranju Versus Gulshan and others” pending in the Court of Additional Chief Judicial Magistrate, Pathankot and the summoning order dated 4.7.2016 and all subsequent proceedings arising therefrom.

Petitioner No.1 solemnized marriage with the respondent on 8.10.2006. However, due to temperamental differences two complaints dated 5.9.2012 and 14.9.2012 were given by the respondent to the police, which were marked to the Women Cell, Gurdaspur. Ultimately, the matter was amicably settled between the parties and it was decided that the parties would file a petition for divorce by mutual consent and in terms of the

decision taken, the petitioners herein were to pay a sum of ₹7 lakh as permanent alimony. In terms of the compromise arrived at between the parties, an amount of ₹3 lakh was paid by way of bank draft to the respondent. However, another complaint dated 30.5.2013, subject matter of challenge in the instant petition, came to be filed against the petitioners herein, in which it is stated that the balance sum of ₹4 lakh that was to be paid has not been handed over to the respondent. On the basis of the said complaint, the petitioners were summoned to face trial and against the summoning order, the instant petition has been filed.

Learned counsel for the petitioners submits that a petition under Section 13-B of the Hindu Marriage Act was to be filed pursuant to the settlement arrived at between the parties at Women Cell, Gurdaspur and the balance amount paid, however, the respondent—Ranju has already obtained a decree of divorce on 9.9.2016, which is an ex-parte decree. Learned counsel for the petitioner submits that the balance amount of ₹4 lakhs have been brought in Court by way of Demand Draft No. 000959 dated 10.11.2017 drawn on HDFC Bank Ltd, in favour of the respondent—Ranju.

The said demand draft has been handed over to the learned counsel for the respondent and a photocopy retained on the court file. On receipt of the demand draft, learned counsel for the respondent—complainant submits that he would have no objection in case Criminal Complaint No. 653 of 2013 dated 30.5.2013 titled “Ranju Versus Gulshan and others” pending in the Court of Additional Chief Judicial Magistrate, Pathankot is quashed.

In view of the fact that the terms of the compromise arrived at between the parties have been adhered to and the respondent—complainant has already obtained an ex-parte decree of divorce and in view of the law laid by the Hon'ble Supreme Court in Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and Criminal Complaint No. 653 of 2013 dated 30.5.2013 titled “Ranju Versus Gulshan and others” pending in the Court of Additional Chief Judicial Magistrate, Pathankot and the summoning order dated 4.7.2016, and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

13.11.2017

prem

(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No