

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-29372-2016

Date of Decision:- 24.05.2017

Gurcharan Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. B.S. Bhalla, Advocate, for the petitioners.

Mr. APS Gill, AAG, Punjab.

None for respondent No.2.

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**RITU BAHRI, J. (Oral)**

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.151 dated 30.07.2016, under Sections 406, 498-A and 506 IPC, registered at Police Station Sadar Dhuri, District Sangrur, on the basis of compromise (Annexure P-2).

Brief facts of the case are that marriage between petitioner No.2 and respondent No.2 was solemnized on 01.03.2015 as per Sikh Rites and Rituals and no child was born out from the said wedlock. Due to incompatibility of temperament, both the parties could not live together as husband and wife. The relationship between them became strained and thereafter, the F.I.R was registered against the petitioners.

Learned counsel for the petitioners submits that keeping in view the peace and harmony, the matter has now been amicably settled

between the parties with the intervention of respectable persons, vide

compromise (Annexure P-2).

During the course of preliminary hearing, the trial Court, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise (Annexure P-2), by way of order dated 19.12.2016, by this Court.

In compliance of order dated 19.12.2016 of this Court, the report of the Judicial Magistrate 1<sup>st</sup> Class, Dhuri, dated 23.03.2017 has been received. As per the report, the statements of all the concerned parties have been recorded. As per the statement of the complainant, she had never entered into any compromise with accused Sandeep Singh and Gurcharan Singh.

During the course of hearing on 05.04.2017, this Court has passed the following order: -

“As per status report received today, the complainant stated that no compromise has been effected between the parties. However, on the other, Sandeep Singh-accused stated that matter was compromised between the parties and the accused had given Rs.4 lacs to the complainant by way of demand draft No. 021176 dated 20.02.2017 and a sum of Rs.1.5 lacs in cash. This fact has also been mentioned in the mutual divorce petition filed by the parties and decree of divorce was granted on 21.02.2017.

However, a bare perusal of judgment dated 21.02.2017 shows that the complainant has only stated that she has received Rs.4 lacs from the accused-Sandeep. However, it is nowhere stated that the complainant has received Rs.1.50 lacs, as per compromise deed.

List on 24.05.2017.

A report is being sought from the Judicial Magistrate 1st Class, Dhuri whether the complainant has received Rs.1.50 lacs cash, as per compromise deed.”

Pursuant to above-said order dated 05.04.2017, a report has been received from Judicial Magistrate 1<sup>st</sup> Class, Dhuri dated 02.05.2017.

As per the report, the complainant has appeared on 28.04.2017 and again stated that she had never received any additional sum of Rs.1.5 lac from accused Sandeep Singh and Gurcharan Singh or any other person on their behalf. As per statement of Ravinder Singh (eye witness), Rs.1.5 lacs was given to Bimaljeet Kaur and her Sukhwinder Singh in his presence.

Today, learned counsel for the petitioner has placed on record the photostat copy of judgment dated 21.02.2017, passed by the District Judge (Family Court), Moga, in a petition filed under Section 13-B of the Hindu Marriage Act, for divorce of way of mutual consent.

Perusal of the said judgment shows that after receiving Rs.4 lakhs from the petitioners, complainant-respondent No.2 had made a statement before the Family Court that she withdraws the criminal case registered against petitioner No.2 and his father and now nothing remains due towards each other.

Keeping in view the statement made by complainant before the Family Court, this Court of the considered view that there is no dispute with regard to payment of any amount to respondent No.2 as she has agreed to withdraw the criminal proceedings.

Accordingly, taking into consideration all the facts of the present case, FIR No.151 dated 30.07.2016, under Sections 406, 498-A and 506 IPC, registered at Police Station Sadar Dhuri, District Sangrur and all the subsequent proceedings arising therefrom qua petitioners are hereby quashed.

May 24, 2017  
naresh.k

( RITU BAHRI )  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |