

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

**CRM-M-28877-2017 (O&M)
Date of decision: 15.11.2017**

Daljeet Kaur

....Petitioner

Versus

State of Punjab and anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Upender Prasher, Advocate
for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

Mr. Saurabh Garg, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for quashing of FIR No.295 dated 20.10.2013 under Sections 380/34 of the Indian Penal Code ('IPC' for short), registered at Police Station Chhehretta, District Amritsar City (Annexure P-1) on the basis of compromise (Annexure P-2) and all subsequent proceedings arising therefrom.

Vide order dated 08.08.2017, parties were directed to appear before the trial Court and record their respective statements. The trial Court has submitted a report dated 07.11.2017 stating that the petitioner Daljeet Kaur was the wife of respondent No.2 Gurwinder Singh-complainant, when

the FIR was registered. It is also stated that one co-accused namely Harjinder Singh @ Kala son of Ajit Singh has been declared as proclaimed offender vide order dated 03.09.2015. Respondent No.2-Gurwinder Singh has appeared before the trial Court and stated that he has compromised the matter with the petitioner in a Lok Adalat and on the basis of compromise, petition under Section 13-B of the Hindu Marriage Act has been filed and the same is pending for 12.09.2017 for final settlement. Similar statement has been made by the petitioner and statement of one Roop Lal, Incharge Police Post Chhehreta Town has also been recorded who has stated that petitioner is not proclaimed offender.

Learned counsel for the petitioner as well as learned counsel for respondent No.2 submit that subsequent to recording the statements, the marriage between the petitioner and respondent No.2 has been annulled by way of a decree of divorce under Section 13-B of the Hindu Marriage Act and they are residing separately and have resorted all their disputes. It is also submitted that in fact both the parties have no connection with the other co-accused namely Harjinder Singh, qua whom there were allegations regarding extramarital affair and in fact, it is submitted that none of the parties know anything about this person.

Considering the fact the petitioner and respondent No.2 were husband and wife and dispute arose out of the matrimonial discord, which has ultimately resulted into a decree of divorce, I am of the opinion that the offences are compoundable as per judgment of the Hon'ble Full Bench of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) RCR (Criminal) 1052.**

In view of the above, this petition is allowed. FIR No.295 dated 20.10.2013 under Sections 380/34 IPC, registered at Police Station Chhehretta, District Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner.

15.11.2017
vishnu

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No