

CRM No. M-32707 of 2014 and
CRM No. M-6731 of 2015 and
CRM No. M-19280 of 2016

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

CRM No. M-32707 of 2014
DATE OF DECISION :- January 17, 2017

Baljinder Kaur **...Petitioner**

Versus

State of Punjab and another **...Respondents**

CRM No. M-6731 of 2015

Baldev Singh Mangat and another **...Petitioners**

Versus

State of Punjab and another **...Respondents**

CRM No. M-19280 of 2016

Ram Singh @ Narinder Singh **...Petitioner**

Versus

State of Punjab and another **...Respondents**

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI

Present:- Mr. R.N. Sharma, Advocate
for Mr. Gaurav Bhayya, Advocate for the petitioner
in CRM No. M-32707 of 2014.

Mr. S.S. Siao, Advocate for the petitioners in
CRM No. M-6731 of 2015

Mr. Ajay Kaushik, Advocate for the petitioner in
CRM No. M-19280 of 2016

Ms. Manjri Nehru Kaul, Additional Advocate General, Punjab.

Mr. Nitin Thatai, Advocate for the complainant.

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1. The 2nd respondent Harpreet Kaur @ Lovely who was the wife of Ram Singh @ Narinder Singh, filed a complaint which culminated in registration of F.I.R. No. 94 dated 1.7.2009 under Sections 406, 498A and 120B of the Indian Penal Code registered at Police Station Sarabha Nagar, Ludhiana City. Baljinder Kaur-sister-in-law, Baldev Singh Mangat-brother-in-law, Nachhatar Kaur-mother-in-law and Ram Singh @ Narinder Singh, the husband of the 2nd respondent Harpreet Kaur, have filed these petitions praying for quashing the above First Information Report registered as against them. It appears that charge sheets have already been laid and the matter is virtually before the trial Court for recording of evidence.

2. The 2nd respondent Harpreet Kaur @ Lovely filed a petition in HMA No. 172 of 13.9.2010 against her husband Ram Singh @ Narinder Singh seeking a decree of divorce on the ground of cruelty invoking the provision under Section 13 of the Hindu Marriage Act, 1955. The trial Court granted the relief of divorce in favour of 2nd respondent Harpreet Kaur @ Lovely in terms of the judgment passed by it on 8.12.2012. Ram Singh @ Narinder Singh, the husband of Harpreet Kaur @ Lovely challenged the said judgment by preferring FAO-M-171 of 2013.

3. During the pendency of hearing of FAO-M-171 of 2013, both the

parties compromised their matrimonial dispute and entered into a compromise deed which was placed on record in FAO-M-171 of 2013. A sum of ₹2 lacs in the shape of bank draft in terms of the compromise deed also was handed over by the Power of Attorney of Ram Singh to Harpreet Kaur @ Lovely in open Court. Pursuant to the settlement arrived at between them, we were pleased to dismiss FAO-M-171 of 2013 as withdrawn paving way for the parties to live separately in terms of the decree of divorce granted by the trial Court.

4. In the background of the above development in this case, counsel appearing on either side submit that inasmuch as both the parties have amicably settled their dispute and have decided to live separately, the matrimonial proceedings initiated by the 2nd respondent Harpreet Kaur @ Lovely may be quashed.

5. We considered the above plea submitted by the counsel on either side in the background of the compromise struck between the parties and the dismissal of FAO-M-171 of 2013 as withdrawn in terms of the settlement arrived at between the parties. We find that 2nd respondent had in fact lodged the First Information Report No. 94 dated 1.7.2009 when she encountered certain issues in the matrimonial house. As already stated by us, all the issues that had arisen between the parties had been amicably settled and a compromise deed also was entered into. The Court also has dismissed the appeal to enable them to live separately in terms of the decree of divorce granted at the instance of the 2nd respondent Harpreet Kaur @ Lovely. In the aftermath of the above development if the criminal prosecution initiated by the 2nd respondent is allowed to subsist to reach its logical end, the parties concerned cannot live peacefully in spite of the compromise entered into

between them. Further, 2nd respondent Harpreet Kaur @ Lovely submits that she has no objection for quashing of the F.I.R. No.94 dated 1.7.2009 lodged by her, as all the issues arisen between herself and her husband had been amicably settled and they have agreed to live separately, honouring the decree of divorce granted by the trial Court.

6. In view of the above facts and circumstances, we are pleased to quash the First Information Report registered in F.I.R. No. 94 dated 1.7.2009 under Sections 406/498A and 120B IPC at Police Station Sarabha Nagar and all the consequential proceedings arising therefrom. These three petitions are accordingly disposed of.

7. A copy of this order be placed on the files of other connected cases.

(M. JEYAPPAUL)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

January 17, 2017
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No