

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

**CRM-M-34319-2016
Date of decision: 12.01.2017**

Harneet Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ajit Singh Sodhi, Advocate,
for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Ritu Bahri, J.

This petition under Section 482 Cr.P.C. is for quashing of FIR No.101 dated 13.07.2013, under Sections 498-A, 506, 406, 323, 148 IPC, registered at Police Station, Kulgarhi, District Ferozepur (Annexure P-1) on the ground that petitioner No.1 and respondent No.3 have obtained a divorce by mutual consent and all the matter between them have been settled.

The FIR was registered on the basis of statement made by Gurinder Kaur-respondent No.3 to the effect that her marriage was solemnized with Harneet Singh-petitioner No.1 on 28.03.2010 as per Sikh rites and rituals at Ferozepur. Out of this wedlock, one son was born on 13.02.2011. It is alleged that soon after the marriage, her in-laws (petitioners) started harassing and humiliating her on the pretext of bringing insufficient dowry. She was also given beatings by them. Ultimately, the

complainant was thrown out of her matrimonial house. In this background,

the FIR was registered.

During the pendency of trial, the matter has now been amicably resolved between the parties and they have decided to part their ways. As per compromise, petitioner No.1 and respondent No.3 filed a petition under Section 13-B of the Hindu Marriage Act seeking decree of divorce by way of mutual consent, which was allowed vide judgment dated 29.01.2016 (Annexure P-2) passed by the Additional District Judge, Ferozepur.

Upon notice, Jasbir Singh, father of complainant-Gurinder Kaur has put in appearance. He has been identified by the Investigating Officer. He has been given power of attorney by Gurinder Kaur to make statement on her behalf. In this power of attorney, the complainant has stated that she has compromised the matter with the petitioners and has got divorced from her husband. Due to some unavoidable circumstances, she is unable to appear before this Court today, therefore, she has authorized her father Jasbir Singh to appear before the Court and make statement on her behalf.

Jasbir Singh, attorney of complainant, has admitted the factum of compromise and passing of decree of divorce.

As per decree of divorce dated 29.01.2016 (Annexure P-2), Harneet Singh (husband) had agreed to pay a sum of Rs.15 lacs to Gurinder Kaur as full and final settlement. A sum of Rs.7.5 lacs had been paid in cash on 21.07.2015. Apart from that a post dated cheque was also given as security towards the balance amount of Rs.7.5 lacs. Thereafter, on 29.01.2016 i.e. at the time of recording statements of second motion, remaining amount of Rs.7.5 lacs was paid in cash to Gurinder Kaur-respondent No.3. The post dated cheque, which was given as security at the time of first motion, had been returned to Harneet Singh. Gurinder Kaur had

also made a statement that she would compound the offences in case FIR No.101 dated 13.07.2013 (Annexure P-1).

In view of the special power of attorney given by the complainant, the Court is satisfied that the compromise is valid and genuine one.

Consequently, in view of the status report and the judgment of the Hon'ble Supreme Court in case **Madan Mohan Abbot Vs. State of Punjab**, 2008 (2) RCR (Criminal) 429, the law laid down by the Full Bench of this Court in case **Kulwinder Singh and others Vs. State of Punjab and another**, 2007 (3) RCR (Crl.) 1052, this Court is of the view that no useful purpose would be served in prolonging the litigation between the parties.

Accordingly, FIR No.101 dated 13.07.2013, under Sections 498-A, 506, 406, 323, 148 IPC, registered at Police Station, Kulgarhi, District Ferozepur, is quashed with all consequential proceedings arising therefrom qua the petitioners.

Petition stands disposed of accordingly.

12.01.2017
ajp

(RITU BAHRI)
JUDGE

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