

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 38372-2016 (O&M)
Date of Decision: 5.5.2017

Amritpal Singh

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. M.S. Bedi, Advocate for petitioner.
Ms. Manpreet Dhaliwal, AAG, Punjab.
Mr. G.S.Brar, Advocate for respondent No.2.

Ritu Bahri, J. (Oral)

Present petition has been filed for quashing of FIR No. 125 dated 1.9.2012 under Section 498-A IPC registered at Police Station Sarabha Nagar, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.10.2016 (Annexure P-2).

Brief facts of the case are that respondent No. 2 got married to petitioner on 15.10.1995 and thereafter from the wedlock two children namely Divleen Shannon and Roshan Chirag were born on 17.9.1997 and 3.3.2002 respectively. Due to temperamental differences, both parties could not live together. The relationship between them became strained and thereafter, F.I.R was registered against the petitioner.

On 21.10.2016 (Annexure P-2) with the interventions of the respectable of the locality and common relatives, both parties compromised the matter. As per the terms of compromise, it has been decided that petitioner will pay ₹ 5.00 lacs to respondent No. 2 which has been paid at the time of execution of compromise and the minor son will remain with respondent No. 2. Petitioner will not claim the custody of that child. Petitioner will also pay ₹ 5.00 lacs to his son Roshan Chirag @ Rudhar Pratap Singh at the time of filing of the petition under Section 13-B of the Hindu Marriage Act and will also get transferred House No. 5 SF, HIG Flats, Rajguru Nagar, Ludhiana in half share each to respondent No. 2 and his son Roshan Chirag @ Rudhar Pratap Singh. Further, it was also agreed that respondent No. 2 will transfer one plot measuring 108 square yards situated behind Ludhiana Medicity on Barewal Road which is in the name of respondent No. 2. It has been further decided that Paramjit Kaur-respondent No.2 will withdraw the petition filed under Section 125 Cr. P.C filed on behalf of her son Roshan Chirag.

On notice, parties were directed to get their statements recorded before the Illaqa Magistrate/trial Court. However, they did not appear before the Judicial Magistrate, Ludhiana. Both parties are present in person in Court today. An affidavit on behalf of petitioner has been filed in Court stating that ex-parte divorce has been granted by learned Additional District Judge, Fast Track, Patiala, vide judgment dated 4.7.2014. The allegations levelled by deponent-respondent No.2 have been withdrawn.

As per the affidavit filed on behalf of Paramjit Kaur-respondent No.2, all the conditions of the compromise have been complied with. She has received the amount of ₹ 5.00 lacs out of total ₹ 10.00 lacs (₹ 3.00 lacs in cash and ₹ 2.00 lacs by way of draft in the name of her son Rudhar Pratap Singh) as well as Flat No. 5, Second Floor, HIG Flats, Rajguru Nagar, Ludhiana has been transferred in her name vide sale deed No. 1234 dated 2.5.2017.

However, the matter has now been duly compromised and respondent No. 2 submits that she does not want to proceed further against the accused-petitioner and has no objection, if the present F.I.R be quashed against the petitioner. The compromise has been entered voluntarily. To the same effect is the statements given by petitioner.

Accordingly, FIR No. 125 dated 1.9.2012 under Section 498-A IPC registered at Police Station Sarabha Nagar, Ludhiana (Annexure P-1) is quashed along with all consequential proceedings arising therefrom qua petitioner.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

5.5.2017
preeti

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