

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

CRR No. 4244 of 2014(O&M)

Date of decision: 24.03.2017

Kulwant Singh

....Petitioner

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Puja Chopra, Advocate for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

None for respondent No.2

REKHA MITTAL, J.

The present petition directs challenge against the consistent findings recorded by the Courts below whereby the petitioner has been convicted for commission of offence punishable under Section 498-A IPC and has been sentenced to undergo rigorous imprisonment for a period of one year and fine of Rs.1,000/- with a default stipulation.

Counsel for the petitioner has submitted that the present proceedings are an off-shoot of marital disharmony between the petitioner and the complainant Sita Kaur, his wife. The petitioner faced agony of criminal proceedings for the past more than 10 years as FIR was registered on 03.09.2005. Later, good sense prevailed upon the parties and they agreed to settle their dispute by way of compromise. Sita Kaur, the complainant got recorded her statement on 18.02.2016 before the Chief Judicial Magistrate, Patiala and stated that the matter was compromised

with intervention of respectables without any pressure or coercion and henceforth the parties will not initiate any litigation against each other. It is further submitted that even the husband and wife filed a petition under Section 13-B of the Hindu Marriage Act, 1955 and the proceedings culminated in judgment and decree dated 18.01.2016 passed by the District Judge, Patiala and marriage between the petitioner and complainant has been dissolved by mutual consent. It is argued with vehemence that as the wife has ultimately condoned alleged acts of cruelty attributed to the petitioner, substantive sentence awarded to the petitioner by the Court of appeal may be reduced to the period already undergone.

Counsel for the State has not disputed the factum of compromise in view of the report received from the Court of Chief Judicial Magistrate, Patiala but opposed the prayer for reduction in sentence.

Indisputably, the husband and wife sorted out their difference, compromised the matter and got divorce by way of mutual consent. However, out of the wedlock, three children i.e. one daughter and two sons, were born, admittedly residing with the complainant. As the parties have already settled their differences, no useful purpose would be served by detaining the petitioner in custody for completion of sentence of one year. On the other hand, ends of justice would be better served if the petitioner is directed to compensate three children who would certainly be the victims due to marital acrimony between their parents. That being so, substantive sentence awarded to the petitioner is reduced to the period already undergone subject, however, to the condition that the petitioner shall deposit Rs.10,000/- each in Fixed Deposit Receipts in the names of three children of the parties (Rs.30,000/- in all) and said FDRs would be

prepared within a period of one month with maturity date after three years of its issuance and FDRs shall be deposited with the Chief Judicial Magistrate, Patiala and the same shall be released in favour of the complainant. Failure of the petitioner to comply with directions of this Court would entail dismissal of the petition.

Disposed of accordingly.

MARCH 24, 2017		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no