

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

CRM-M No.19090 of 2016

Date of decision: 06.02.2018

Rishi Sood

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. C.S. Rana, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for quashing of DDR/Calender No.7 dated 05.09.2014 filed under Section 66 of the Police Act (Annexure P3), registered at Police Station Dugri, District Ludhiana on the allegations that a complaint filed by the petitioner against his wife was found false in investigation.

Counsel for the petitioner has submitted that the petitioner was married with respondent No.2 – Nisha Gupta on 30.06.2009 and on account of a matrimonial discord between them, an FIR No.72 dated 27.07.2013 was registered against the petitioner under Section 498-A IPC. It is further submitted that later on, the matter was resolved between the petitioner and his wife i.e. respondent No.2 – Nisha Gupta and the FIR was quashed by this Court vide order dated 29.01.2016 passed in CRM-M No.36469 of 2015. It is further submitted that vide decree dated 06.12.2014 passed by the Additional District Judge, Ludhiana, the marriage between the petitioner and respondent no.2 was also dissolved by way of mutual consent.

Counsel for the petitioner has further submitted that registration of the impugned calender under Section 66 of the Police Act is an off-shoot of the matrimonial dispute between the parties and since, the parties have amicably settled their dispute, the marriage has been dissolved by way of a decree of divorce through mutual consent, therefore, continuation of the calendra is nothing but abuse and misuse of process of law.

Reply by way of affidavit of Supervisory Officer, Police Station Dugri, Ludhiana has been filed and the factual position regarding the quashing of FIR No.72 and the granting of a decree of divorce between the petitioner and respondent No.2/complainant is not disputed. It is also not disputed that after compromise between the parties, no fresh civil or criminal litigation is initiated between the parties.

After hearing counsel for the parties, I find merit in the present petition. Since, the impugned calender is also an outcome of the matrimonial discord between the petitioner and respondent No.2 i.e. the complainant and they have already settled all their disputes, no purpose will be served in allowing the petitioner to face the prosecution in pursuance to the impugned calendra. Accordingly, DDR/Calendra No.7 dated 05.09.2014 filed under Section 66 of the Police Act (Annexure P3), registered at Police Station Dugri, District Ludhiana is quashed against the petitioner.

(ARVIND SINGH SANGWAN)
JUDGE

06.02.2018
yakub

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