

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

CRM-M-34335-2017

Date of decision:-25.9.2018

Inderjit Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Liaqat Ali, Advocate
for the petitioners.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

None for respondent No.2.

H.S. MADAAN, J.(ORAL)

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.17 dated 5.2.2015, under Sections 406, 498-A IPC, registered with Police Station Women Cell, District Ludhiana and subsequent proceedings arising out of the same on the basis of statement dated 28.7.2017 of respondent No.2 in Divorce case in the Court of Additional District Judge, Ludhiana.

Briefly stated, the facts of the case are that the FIR in question was got recorded by Ramandeep Kaur wife of Inderjit Singh daughter of Sh.Avtar Singh, resident of Mandi Mullanpur, Ludhiana by submitting a complaint dated 21.8.2014 to the police seeking registration of FIR against her husband – Inderjit Singh, mother-in-law Surinder Kaur, sister-in-law Anoopjit Kaur and other members of her in-laws

family alleging that soon after her marriage with Inderjit Singh on 30.12.2011, she was harassed, maltreated and tortured by her husband and his family members in connection with demand of dowry and they rather committed criminal breach of trust with respect to her *ISTRIDHAN* articles, ultimately she was turned out of the matrimonial home on 19.8.2014 at 8:30 p.m. after giving beatings.

On the basis of that complaint, formal FIR was recorded and investigation in the case started. Subsequently, wiser sense prevailed upon the spouses and they settled their dispute amicably filing a petition under Section 13-B of Hindu Marriage Act for dissolution of their marriage by a decree of divorce by way of mutual consent. In that petition it is mentioned that FIR in question would be got quashed and the complainant petitioner Ramandeep Kaur shall render cooperation in that respect, if need be. That petition is dated 27.7.2017. In her statement made before Additional District Judge, Ludhiana on 28.7.2017, Ramandeep Kaur has stated that she had lodged FIR No.17 dated 5.2.2015 under Sections 406, 498-A IPC, Police Station women Cell, District Ludhiana against her husband Inderjit Singh and his family members and she has no objection, if FIR is quashed and she would cooperate in doing so. The petition was allowed on 2.2.2018. As mentioned in the judgment in terms of statement made by Ramandeep Kaur, she had received all her dowry articles/*ISTRIDHAN*, gold jewellery and having settled all her claims qua her past, present and future maintenance and permanent alimony undertaking to assist petitioner No.2 in getting the FIR quashed by making statement before this Court.

In this petition, Ramandeep Kaur has been arrayed as respondent No.2. Notice of the petition was given to her. She was served but did not put in appearance.

I have heard learned counsel for the petitioners besides going through the record and I find that since Inderjit Singh and Ramandeep Kaur under a compromise have got their marriage dissolved by a decree of divorce by way of mutual consent and Ramandeep Kaur had received back all her *ISTRIDHAN* articles and the entire settled amount and Ramandeep Kaur had agreed to get the FIR in question quashed, though on getting notice, she has not turned up to make statement in the Court, but I am of the view that allowing the proceedings with regard to FIR in question would not serve any purpose and the interest of justice demand that the FIR along with ancillary proceedings be quashed.

Learned counsel for the petitioners has referred to authority ***Ravinder Kumar Kohli and others Versus State of Punjab and another, 2011(5) RCR(Criminal) 20*** by a Co-ordinate Bench of this Court having almost similar circumstances, where the FIR had been lodged under Sections 406 and 498-A IPC by wife, however, the dispute has been settled on payment of lump sum amount but the wife refused to withdraw the case. The accused had sought quashing on the ground of compromise between the parties. In those circumstances, it has been observed that wife is bound to withdraw the FIR as she has been benefited by the compromise and amount has been received by her, as such the FIR was quashed.

Thus I find that allowing continuation of proceedings would

be an abuse of process of law and interest of justice demands that FIR along with ancillary proceedings arising therefrom be quashed.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings, is hereby quashed.

25.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No