

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

CRM-M-1602-2019

Date of decision: January 16, 2019

Gursevak Singh

....Petitioner

Versus

The State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. J.S. Jaidka, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.80 dated 15.10.2018 registered for the offences punishable under Sections 406, 498-A of the Indian Penal Code at Police Station Woman, Ludhiana, District Ludhiana.

Petitioner was married with complainant in the year 2017. He lodged the FIR for the offences under Sections 406, 498-A of the Indian Penal Code, asserting as under:-

“At the time of my marriage, my mother making the expenses beyond her capacity, gave me gold ornaments and domestic articles in dowry. After marriage when I came to the house of my in-laws, I came to know that my husband is not physically fit and he is not doing any work whereas my in-laws family told that their son is an advocate. My husband remains constantly ill regarding which my in-laws family had not told anything. When I asked from my in-laws about it as to why they had not told all these facts earlier, my in-laws family stated that now the marriage has been solemnized and you will have to live here. In order to habitat my house, I remained mute but after that my in-laws family started harassing me who were enraging my husband

and my husband at their behest was beating me. That my mother-in-law was committing excesses with me saying that I should give birth to a child and for child I should develop physical relation with my devor. When I was refusing him, my mother-in-law was threatening me that she will kill me. In this regards I tried to get my mother-in-law understand but she was not hearing me and was abusing me. On 04 November, 2017 my (line not legible) forcibly dragged me in the room and I got my hand released from him and asked him that I will not make any sorts of relations with you. On which my husband took me in three clothes and dropped me on the way and left from there. I with great difficulties went to my house Karamjit Singh. After that my husband, in-laws family also abused my uncle and also started harassing him. On 17 December, 2017 my uncle died of heart attach. Despite that my husband, in-laws family did not stop their acts and are harassing my mother. That now I am living with my mother and my mother is handicapped who cannot walk. I have danger from my husband and in-laws family. My Istridhan, gold ornaments and domestic articles is still in the custody of my in-laws family. Therefore, the legal action may kindly be taken against my husband Gursewak Singh son of Jit Singh, father-in-law Jit Singh, mother-in-law Paramjit Kaur wife of Jit Singh, devor Gurwinder Singh son of Jit Singh residents of House No.B-29-60/36 Gali No.4, Main Street Daba Lohara Road, Ludhiana for harassing, beating, solemnizing marriage by way of cheating, threatening and turning me out of the house and I may be given justice.”

Thereafter, a compromise was effected in the Panchayat. Its translation is placed on record as Annexure P-2. Clause 3 of the compromise transpires that the petitioner will pay in cash to his wife a sum of Rs.80,000/- as expenses on food of the marriage party. In pursuance of that compromise, petition under Section 13-B of the Hindu Marriage Act was filed before learned District Judge, Ludhiana, where her statement was recorded. However, in para No.5, the matter was twisted and it is

mentioned that this amount of Rs.80,000/- pertains to past, present and future alimony, maintenance and istridhan and out of this amount, Rs.60,000/- has been paid. She also suffered a statement to this effect on 01.12.2018.

As per the compromise, Rs.80,000/- was paid to her with regard to expenses borne out by her mother with regard to marriage party. This could not be taken as her past, present and future maintenance. It has been submitted that now she has withdrawn from the compromise and she be ordered to return this amount.

Reliance has been placed upon the judgment of coordinate bench of this court titled as *Nirmal Sachdeva Vs. State of Haryana and another, 2008(27) R.C.R. (Criminal) 153*. But to the mind of this court, that judgment has distinguishable facts. The amount of Rs.80,000/- is not for the maintenance rather, it was only for the expenses borne by the mother and relatives with regard to the marriage party (barat).

No case is made out to quash the FIR on this ground.

Petition stands dismissed accordingly.

(RAJ SHEKHAR ATTRI)
JUDGE

January 16, 2019
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No