

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19884-2019

Date of Decision: 03.09.2019

Nirmal Kaur and others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rakesh Chopra, Advocate, for the petitioners.
Mr. A.P.S. Gill, D.A.G., Punjab.
Mr. Vishavpreet Rarri, Advocate, for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

As already recorded in the order dated 11.07.2019, learned counsel for the petitioners had submitted that respondent no. 2 had suffered a statement before the learned Judge, Special Court, Fatehgarh Sahib, to the effect that since the petition under Section 13-B of the Hindu Marriage Act has been decided, she did not wish to further pursue the complaint in question.

Today, a report of the learned Additional District & Sessions Judge, Fatehgarh Sahib, dated 23.07.2019, has been placed on record, stating to the effect that the statement of the complainant, i.e. respondent no. 2 herein, Kuljit Singh, was recorded before that Court on the said date itself, i.e. 23.07.2019, to the effect that the matter has been compromised and the entire litigation between the parties may be disposed of as per the terms thereof, including the conviction of the petitioners being set aside.

The statements of the petitioners are also shown to have been recorded before that Court on the same date, with the observation of that Court

being that the matter has been settled of the free consent of the parties.

That being so and the allegations against the petitioners being that petitioner no. 1 had entered into a 2nd marriage during the subsistence of her marriage with respondent no. 2, with her parents and brother, i.e. petitioners no. 2 to 4 also having been convicted for the same offences (punishable under Sections 494/495/120-B of the IPC), considering the fact that the matter is wholly a matrimonial dispute, with counsel for respondent no. 2 also not denying the statements made before the learned Additional District & Sessions Judge, Fatehgarh Sahib, in the opinion of this Court, the conviction of the petitioners should be set aside.

Consequently, the judgment of the learned Judicial Magistrate Ist Class, dated 01.03.2018, convicting the petitioners for the commission of offences punishable under Sections 494/495/120-B of the IPC, as also the order of sentence imposed upon them for the commission of the aforesaid offences, are both set aside, with the petitioners acquitted of the offences stated to have been committed by them.

The petition is disposed of accordingly.

September 03, 2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.