

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

245

Crl. Misc. M- 21658 of 2018 (O&M)

Date of Decision: February 07, 2020

Abhijeet Surrender Sood,

...Petitioner(s)

Versus

State of Punjab and Anr.

...Respondent(s)

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ravi Kapur, Advocate
for the petitioner(s).

Mr. Sidakmeet Singh Sandhu, Asstt. A.G. Punjab.

Mr. Subhash Ahuja, Advocate
for respondent No.2

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 10 dated 09.02.2018 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Women Cell, Jalandhar and all subsequent proceedings arising therefrom in view of the compromise.

The brief facts are that the marriage was solemnized between Abhijeet Surrender Sood and respondent No.2 namely Divya d/o Sh. Rajesh Chanana on 30.11.2016 at Chandigarh. However, on account of dispute that arose upon the parties, an FIR got registered at Jalandhar by Ms. Divya. Consequent upon the registration of the FIR, the matter was compromised between the parties wherein they decided that they would part their ways and obtain a decree of divorce on mutual consent by filing a petition under

Section 13-B of Hindu Marriage Act 1955. Learned counsel appearing on behalf of the petitioner would contend that a decree of divorce has already been allowed by the Additional District Judge, Chandigarh by an order dated 24.04.2019 and consequent to the said divorce, the FIR also should be quashed. He draws attention to the joint statement given before the Additional District Judge, Chandigarh wherein complainant-wife has stated that she undertakes to withdraw the proceedings before the JMJC, Jalandhar in regard to FIR No.10 dated 09.02.2018 registered under Sections 406 and 498-A of Indian Penal Code. Similarly the petitioner would also withdraw all the cases, which are pending. Counsel for the petitioner would further submit that since the matter has been settled amicably, the FIR should be quashed.

Notice was issued in the said petition, consequent to which, appearance is being caused on behalf of respondent No.2 through counsel. Counsel on instructions from the mother of respondent No.2 who is present in Court today, admits to the factum of the compromise. It is stated at the bar that respondent No.2 has subsequently re-married and therefore is not present in the Court today, but she would have no objection, in case, the proceedings are quashed.

I have heard the learned counsel for the parties and have perused the order of Additional District Judge, whereby the divorce has already been granted. It is not disputed that the matter between the parties is compromised before the Mediation and Conciliation Centre at District Court, Chandigarh pursuant to which parties have decided to part their ways and to drop all proceedings filed against each other. Statement has

already been recorded to this effect before Additional District Judge at the time of grating divorce in the petition under Section 13-B of the Hindu Marriage Act.

Consequently, keeping in view the fact that the dispute has been amicably settled in a petition under Section 13-B of the Hindu Marriage Act the instant petition is allowed and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, FIR No. 10 dated 09.02.2018 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Women Cell, Jalandhar and all subsequent proceedings arising out of the same are quashed qua the petitioner.

Febraury 07, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No