

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

258

CRM-M-50670 of 2021
Date of decision:29.04.2022

Sandeep Gund

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mohd.Jameel, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab
for respondent No.1-State.

Mr. J.S.Lalli, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J.

Vide the instant petition filed under Section 482 of the Code of Criminal Procedure, 1973, (for short, “the Code”), the petitioner seeks quashing of FIR No.52 dated 19.05.2021 lodged for offences under Sections 420, 406 and 498-A of Indian Penal Code, 1860 at Police Station Women, District Police Commissionerate, Ludhiana (Annexure P-1) alongwith all subsequent proceedings arising therefrom on the basis of 'Memorandum of Understanding' dated 29.07.2021 (Annexure P-2).

Vide order dated 15.12.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded in support of the compromise and a report was called for, from the Court concerned. Report has been received, wherein, it has been submitted that no one has turned up before the Court to get their statement recorded, in pursuance to the directions issued by this Court.

Mr. J.S.Lalli, counsel representing respondent No.2 has filed a

short reply by way of an affidavit dated 29.04.2022 of respondent No.2 *inter alia* admitting the factum of compromise and deposing that the petitioner had undertaken to pay a sum of Rs.13.00 lacs to the complainant towards gold ornaments and permanent alimony. It has been further submitted that a petition under Section 13-B of Hindu Marriage Act, 1955 was filed and allowed by the Family Court, Ludhiana, vide judgment and decree dated 04.04.2022 (Annexure R-2/1). Furthermore, it has been submitted that out of the agreed amount, respondent No.2 has received Rs.8.25 lacs and at the time of recording of second motion before the Family Court and the petitioner paid the balance amount of Rs.4.75 lacs by way of a cheque, which has been dishonoured as the petitioner has given instructions to the banker to stop payment.

By referring to the judgment and decree (Annexure R-2/1), counsel submits that although marriage has been dissolved by mutual consent, but the right of the petitioner regarding permanent alimony etc., has been reserved and it has been observed by the Family Court that decree will not be deemed to be a settlement regarding permanent alimony. Counsel submits that since the petitioner has violated the terms of settlement, the complainant did not appear before the Trial Court to record her statement, in support of the compromise.

In view of the above facts, prayer made in the petition cannot be entertained. Petition is dismissed.

(SUVIR SEHGAL)
JUDGE

April 29, 2022
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes