

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

CRM-M-4865-2022

Date of Decision:- 16.11.2022

MANJIT KAUR & ORS.

....Petitioners.

Vs.

STATE OF PUNJAB & ANR.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. B.S. Bali, Advocate for the petitioners.
Mr. R.S. Khaira, DAG, Punjab.
Mr. Harjinder Singh, Adv. for respondent No.2.

AMARJOT BHATTI, J. (Oral)

The petitioners namely Manjit Kaur, Gurmukh Singh and Karamjit Singh through Special Power of Attorney of Gurmukh Singh have filed the instant petition under Section 482 Cr.P.C. for quashing of the FIR No.126 dated 12.07.2021 under Sections 406/498-A of IPC, 1860 registered at Police Station Machhiwara, District Ludhiana and subsequent proceedings arising therefrom.

The brief facts of the case are that Sandeep Kaur d/o Sodhi Pal Singh filed a written complaint before SSP, District Khanna against Karamjit Singh, Gurmukh Singh, Manjit Kaur, Kamaljit Singh @ Gora, Seema Devi with the allegations of demand of dowry and maltreatment. The complainant stated that she got married with Kamaljit Singh on 07.12.2020. At the time of settlement of marriage, the family of her husband wanted a well educated girl as their son was residing in Australia. There was no demand of dowry at the time of settlement of marriage. The

family of her husband pressurised for *Shagun* ceremony on 05.06.2019. The marriage was also fixed and it was told to her family to perform marriage in a Palace and to give expensive dowry articles consisting of gold ornaments and costly cloths. They also demanded gold rings for the other family members. As per their demand marriage was performed in Kapur Palace Kohara Road Machhiwara. Her father had spent Rs.20,00,000/- on marriage. She was given household articles as detailed in the FIR. Her husband told her that he has to take flight for Australia on 17.02.2021. He firstly took flight to Banglore and she came to her parental house on 19.02.2021. All her gold ornaments were kept by her mother-in-law. She was not allowed to use her dowry articles. She further stated that during the stay at her in-laws she was beaten up and maltreated. Efforts were made for conciliation with the intervention of Panchayat but the accused were not willing for compromise. Ultimately the complaint was filed on the basis of which present FIR has been registered.

Notice of petition was given to the respondents. The respondent No.1 i.e. the State represented through counsel submitted the reply whereas respondent No.2 has not opposed the factum of compromise. The parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statement regarding the said compromise.

The detailed report dated 30.07.2022 submitted by Judicial Magistrate, Samrala has been received. As per the report it is confirmed that Sandeep Kaur complainant has executed affidavit dated 16.03.2022 regarding compromise. The statement of the parties have been recorded and the compromise is found to be genuine, voluntary and with the free consent of the parties. It is further mentioned that none of the accused has

been declared as proclaimed offender.

I have also gone through the statement of the parties recorded by the Judicial Magistrate 1st Class, Samrala. Sandeep Kaur has confirmed the compromise as well as filing of petition under Section 13-B of Hindu Marriage Act, 1956 pending for recording of statement on second motion. Manjit Kaur, mother-in-law and Gurmukh Singh father-in-law also confirmed the compromise. Gurmukh Singh father also appeared on behalf of his son being his Power of Attorney holder. SI Santokh Singh, Investigating Officer also confirmed that no accused has been declared Proclaimed Offender. The copy of compromise is annexed as Annexure-A.

Learned counsel appearing on behalf of the State has not disputed the fact of compromise arrived at between the parties.

I have heard learned counsel for both the parties and have gone through the record carefully. In this case FIR No.126 dated 12.07.2021 was registered under Sections 406/498A IPC at Police Station Machhiwara, District Ludhiana. From the statement of aforesaid parties, it is clear that they have settled all their disputes mutually with the intervention of respectable. It is also decided between the parties not to carry on with this unhappy matrimonial tie as a result of which they have already filed petition under Section 13-B of Hindu Marriage Act to dissolve their marriage with mutual consent. It is clear that no dispute is left between the parties, therefore, no purpose would be served to continue with the criminal proceedings in the aforesaid FIR. The compromise will restore peace and harmony and both; the petitioner No.1 and respondent No.2 will be able to settle their life afresh.

Therefore, considering the aforesaid factual position the present

petition filed by the petitioners is allowed and the FIR No.126 dated 12.07.2021 under Sections 406/498-A of IPC, 1860 registered at Police Station Machhiwara, District Ludhiana and subsequent proceedings arising therefrom are quashed.

16.11.2022
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(AMARJOT BHATTI)
JUDGE

Whether the speaking/reasoned:- Yes/No

Whether the reportable:- Yes/No