

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

204

CRM-M-19642-2022

Date of Decision: 09.02.2023

Jaspinder Singh and Another**...Petitioners****Versus****State of Punjab and Another****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Balraj Singh Sidhu, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab

Mr. P.K.S. Phoolka, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition are seeking quashing of FIR No.03 dated 07.01.2020 (Annexure P-1) under Sections 498-A & 506 of IPC registered at Women Police Station, District Bathinda and all the consequent proceedings arising therefrom.

2. Learned counsel for the petitioner, *inter alia* contends that marriage of petitioner No.1 was solemnized with respondent No.2 on 05.12.2017. Due to matrimonial discord, the parties could not cohabit and decided to part their ways. The parties decided to dissolve marriage by way of filing petition under Section 13-B of Hindu Marriage Act, 1955 i.e. divorce by mutual consent. The parties appeared before Family Court, tendered their joint statements at the time of first & second motion and at that stage the complainant never raised any grievance. The Family Court, vide decree dated 10.02.2020 dissolved marriage of the

parties. The complainant on one hand entered into compromise with the petitioners and decided to file divorce petition by mutual consent and on the other hand in a clandestine manner lodged complaint against the petitioners which culminated into registration of FIR under Section 498-A and 506 of the IPC.

3. Learned State counsel as well as counsel for private respondent does not dispute the factual matrix, however, prays that FIR may not be quashed because petitioners are guilty of commission of alleged offence.

4. I have heard the learned counsel for the parties and perused the decree of divorce.

5. The relevant extract of decree of divorce read as:-

“ xxxx xxxx xxxx xxxx

Now with the intervention of the respectable persons and relatives, the parties have reached at a compromise. As per compromise all the dispute and differences between the parties have been settled amicably. As per terms of compromise, the petitioners decided to get the marriage between the parties dissolved by a decree of divorce with mutual consent by filing joint petition under Section 130B of H.M. Act. The petitioners have returned all the articles of each other and nothing remains due or outstanding against each other. It has been mutually agreed that the minor son shall reside with petitioner No.1 and the petitioner No.1 shall be responsible for the upbringing of minor son, his study and marriage etc. and the petitioner

No.2 will not be entitled to claim the custody of the minor son at any stage in future. The petitioner No.2 has agreed to pay total sum of Rs.2,50,000/- to petitioner No.1 in full and final settlement of all the claims of the petitioner No.1 and her minor son including past, present and future maintenance (permanent alimony) and out of the said amount Rs.1,25000/- shall be paid by the petitioner No.2 to petitioner No.1 at the time of recording preliminary statement and the balance amount of Rs.1,25,000/- shall be paid by the petitioner No.2 to petitioner No.1 at the time of recording final statement for the dissolution of marriage between the parties. Petitioner No.1 has also agreed that she will not claim any type of maintenance allowance or share in the properties of the petitioner No.2 and his family members for herself and her minor son after receiving the compromise amount of Rs.2,50,000/-. The petitioners have also agreed that they will not interfere in the life and liberty of each other. The petitioners have also agreed that they will not interfere in the life and liberty of each other. The petitioner have also agreed that they will withdraw all the civil and criminal cases, if any, filed by them against each other and have also agreed not to initiate any type of civil or criminal proceedings against each other in future. Both the petitioners also withdraw the allegations levelled by them against each other. Hence, the present petition for divorce.”

6. From the perusal of decree of divorce, it is quite evident that parties have made categoric statement before the Family Court that they have amicably settled their disputes and that they will not file any civil

or criminal case against each other. Further, they have undertaken not to interfere in life and liberty of each other. From the statement of the complainant, it is quite evident that matter has been amicably settled and there is no reason to continue with the criminal proceedings arising out of the impugned FIR, thus, present petition deserves to be allowed and accordingly allowed. FIR No.03 dated 07.01.2020 (Annexure P-1) under Sections 498-A & 506 of IPC registered at Women Police Station, District Bathinda and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

(JAGMOHAN BANSAL)
JUDGE

09.02.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>