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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36682-2020

Date of Decision:14.02.2023

KANWALBIR SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

None for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition is seeking quashing of FIR No.138 dated 14.11.2008 (Annexure P-1) under Section 406 and 498A of IPC registered at Police Sri Hargobindpur Police District Batala, District Gurdaspur alongwith all consequential proceedings arising therefrom.

Learned counsel for the petitioner, *inter alia*, contends that marriage between the parties stands dissolved vide judgment and decree dated 26.05.2010. The Trial Court has ordered to dissolve marriage in terms of Section 13B of Hindu Marriage Act, 1955. He further submits that police after completing investigation filed cancellation report and complainant in her statement before the Trial Court submitted that she has no objection, if cancellation report is accepted, however, Trial Court vide order dated 03.10.2011 returned the report to police for further

investigation.

Learned State counsel on instructions from ASI Sikkattar Singh submits that police has not found the petitioner guilty, thus, no report under Section 173 Cr.P.C. has been filed.

The marriage between the parties stands dissolved by mutual consent. Both the parties appeared before Trial Court and decree of divorce was passed.

The relevant extracts of decree of divorce read as under:

“Statements of the parties were recorded by way of affidavits on 21.05.2009 and 26.05.2010. from the statements recorded, it is established that the parties got married about 4 years ago and they lived together as husband and wife but no child was born out of this wedlock and due to differences it has become exceptionally hard for the petitioners to live as husband and wife under one roof and shelter due to the differences not to be solved out. They are living separately from each other for the last more than 2 years and have not been able to live together as husband and wife. The petitioners have mutually agreed that the marriage should be dissolved by a decree of mutual divorce. All the dowry articles have been returned to petitioner No.2 and nothing is due and payable against each other. It was agreed between them that after dissolution of the marriage they shall not interfere in the lives of each other. Petitioner No.2 shall not claim any maintenance from petitioner No.1 in future and will not file any matrimonial case or of any other nature against each other. Photograph of the marriage are Ex.P1 to Ex.P3 and prayed for dissolution of marriage by decree of divorce.”

From the perusal of decree of divorce, it is quite evident that parties have amicably resolved their disputes. From the statement of

complainant before the Trial Court, it is evident that she is not interested to pursue her complaint and she had no objection, if cancellation report was accepted.

In view of the statement of complainant before courts below, there seems no reason to continue investigation which is pending since 2008. The parties have amicably settled their disputes, thus, present petition deserves to be allowed.

FIR No.138 dated 14.11.2008 (Annexure P-1) under Section 406 and 498A of IPC registered at Police Sri Hargobindpur Police District Batala, District Gurdaspur and all other consequential proceedings arising therefrom are quashed qua the petitioner(s).

There is no representation on behalf of respondent No.2. She is at liberty to move an appropriate application, if something survives.

(JAGMOHAN BANSAL)
JUDGE

14.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>