

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25838-2022(O&M)

Date of decision : 21.03.2023

Lakhwinder Singh and Others

..... Petitioners

V/S

State of Punjab and Another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Lovepreet Singh Sidhu, Advocate
for the petitioners.

Mr. Hemant Aggarwal, AAG, Punjab.

Mr. D.S. Sidhu, Advocate
for Mr. Vikas Bali, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

CRM-12923-2023

This is an application filed under Section 482 Cr.P.C. for placing on record Annexure P-3 and P-4.

For the reasons stated in the application, the same is allowed and accompanying documents as Annexure P-3 and P-4 are taken on record.

The application is disposed of.

CRM-M-25838-2022

The petitioners- Lakhwinder Singh, Jaswant Singh and Amarjit Kaur have filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No.0032 dated 01.03.2021, under Sections 406 and 498-A of IPC, registered at Police Station Women, District Ludhiana and all other subsequent proceedings on the basis of compromise between the parties dated 30.05.2022 (Annexure P-2).

As per the facts of the case, the complainant –Harwinder Kaur filed a

married with Lakhwinder Singh on 27.03.2016 at Ludhiana. Out of this wedlock she gave birth to a son on 25.05.2017 who is residing with her. Her parents had spent huge money on her marriage and she was given dowry articles which were entrusted to the accused persons. After marriage, the accused persons did not hand over her dowry articles. Prior to marriage, she was working in a Pharmaceutical company and drawing salary of Rs.28,000/- per month. She was maltreated in the matrimonial home. The accused No.3 used to take her entire salary. She lived in the matrimonial home with the hope that things would change. It was difficult for her to do the entire household work as well as her job. The accused No.1 to 3 were raising demand of LED, Washing Machine and a car. She was even turned out of the house in order to compel her to bring money from her parents for her treatment and delivery. Efforts were made by her family for rehabilitation but there was no response from her husband and in-laws family. They insisted on their demand of *Swift Car*. Ultimately, she left the job on 31.01.2017. She was taken back by her parents on 24.02.2017. She gave birth to a male child. No one came to see her and the new born child. They were insisting on their demand for a car. She again joined the matrimonial home for the better future. She was beaten up on 20.03.2018 and she was also medically examined during this period. She was continuously maltreated and beaten up. Ultimately, she filed the present complaint and the FIR has been registered.

The petitioners filed this petition for the quashing of aforesaid FIR on the basis of compromise. The petitioners and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. The detailed report regarding compromise has been received from the court of Judicial Magistrate 1st Class, Ludhiana dated 19.10.2022. The

statement of respondent No.2 has been recorded, where she confirmed the compromise with the petitioners. She confirmed that this compromise has been effected without any pressure, coercion from any side and she has no objection regarding quashing of FIR.

The petitioners- Lakhwinder Singh, Jaswant Singh and Amarjit Kaur have also confirmed this fact in their separate statements. The statement of ASI Harjinder Singh is also recorded who further confirmed that the accused are neither involved in any other case nor have been declared as proclaimed offenders.

Therefore, from the report of Judicial Magistrate 1st Class, Ludhiana, it is clear that the compromise has been effected between the parties without any pressure, coercion or undue influence, which is acceptable to both the parties. They have mutually settled all their matrimonial disputes. They have also filed joint petition under Section 13-B of Hindu Marriage Act in which decree of divorce has been granted on 17.02.2023. They will be able to live in peace and harmony. No purpose would be served with the continuation of criminal proceedings.

Therefore, considering these facts the petition filed by the petitioners is accepted and FIR No.0032 dated 01.03.2021, under Sections 406 and 498-A of IPC, registered at Police Station Women, District Ludhiana and the consequential proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

(AMARJOT BHATTI)
JUDGE

21.03.2023.

Sunil Devi

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No