

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

132

CRM-M-30275-2021

Date of Decision : 22.05.2023

Gurmeet Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Amrinder Pratap Singh, Advocate
for the petitioner.

Ms.Guramrit Kaur, DAG, Punjab.

None for respondent No.3.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Section 482 Cr.P.C., is seeking quashing of FIR No.63 dated 19.08.2013, under Sections 406 and 498-A of IPC, registered at Police Station Women Cell, District Patiala.

2. The brief facts of the case are that son of the petitioner solemnised marriage with respondent No.3 on 08.10.2010 according to sikh rites and ceremonies. The couple on account of temperamental issues, could not pull on their marriage and respondent No.3 left company of son of the petitioner. The respondent No.3 lodged aforesaid FIR against the petitioner and her family members. The police after completing investigation filed *challan* and during pendency of trial arising out of aforesaid FIR, parties

amicably settled their grievances. The son of petitioner and respondent No. 3 filed petition under Section 13-B of Hindu Marriage Act, 1955 seeking divorce by mutual consent before Family Court. The divorce petition came up for consideration before Additional District Judge, Patiala, who vide order dated 23.02.2016 ordered to dissolve the marriage of the parties. Respondent No. 3 at the time of second motion appeared before the trial Court and made a statement disclosing that she has settled all grievances with the son of the petitioner and she would appear before competent Court/authority regarding quashing of FIR registered under Sections 406 and 498-A IPC. The decree of divorce came to be passed, however, respondent No. 3 is not coming forward to get FIR quashed.

3. Learned counsel for the petitioner *inter alia* contends that respondent No.3/complainant has solemnised 2nd marriage. The petitioner is mother of Ist husband of the complainant. Son of the petitioner i.e. Ist husband of respondent No.3 has passed away. The respondent No.3 entered into a compromise with petitioner and other family members and a petition under Section 13-B of IPC seeking dissolution of marriage was filed at District Court, Patiala, The Additional District Judge, Patiala vide judgment and decree dated 23.02.2016 has ordered to dissolve the marriage of the complainant with son of the petitioner. During the pendency of divorce petition, the complainant appeared before Additional District Judge, Patiala and tendered her statement dated 23.02.2016 wherein she categorically disclosed that she has already received back all the dowry articles and she would suffer the statement before the trial Court for quashing of FIR.

4. Learned State counsel does not dispute the aforesaid factual position and submits that trial is still pending against the petitioner.

5. Despite repeated notices and opportunities, there is no representation on behalf of respondent No.3. This Court is left with no other option except to adjudicate the present petition with the able assistance of learned State counsel.

6. The statement of the complainant dated 23.02.2016 made before ADJ, Patiala, reads as :

“Stated that I have heard the above statement of petitioner Jarnail Singh and the same is correct. This petition was voluntarily filed by me. Today, I have received Rs.50,000/- from petitioner Jarnail Singh in full and final settlement of my claim towards past, present and future maintenance. I have already received back my dowry articles. Now I have not been left with any right against petitioner Jarnail Singh. The minor child will remain in the custody of petitioner Jarnail singh and I have no objection if he takes the minor child with him to Italy. I had lodged FIR under Sections 406/498-A IPC against petitioner Jarnail Singh and other family members of his family. Petition for quashing of the said FIR is already pending before the Hon'ble High Court and in those proceedings, I shall suffer a statement giving no objection to the quashing of the said FIR. Our marriage may be dissolved.”

7. The relevant extracts of decree of divorce read as:-

This court is satisfied that the marriage of the parties was solemnized on 8.10.2010. The petitioners have been living separately since 16.11.2012. They have mutually agreed to get dissolved their marriage by a decree of divorce. At the time of institution of this petition, attorney of petitioner no.2 had joined petitioner no.1. However, petitioner no.2 has personally appeared

before this court to make second motion. Even during the pendency of this petition, they could not agree to live together. The petitioner no.1 has already received back her dowry articles. So far as the matter regarding permanent alimony is concerned, petitioner No.1 has received Rs.50,000/- from petitioner No.2 today in the Court. Thus, the matters regarding dowry articles and permanent alimony have been amicably settled between them. So far as the custody of minor child is concerned, she will remain in the custody of petitioner no.2, who will be at liberty to take her to Italy with him. Accordingly, this petition is allowed and a decree of divorce dissolving the marriage of the petitioners is hereby passed, with no order as to costs. Decree sheet be prepared accordingly and file be consigned to the Record Room."

8. From the perusal of statement of the complainant and above quoted paragraph extracted from decree of divorce, it is quite evident that respondent No.3 appeared before the ADJ, Patiala at the time of second motion and categorically stated that she has settled her all disputes with her in-laws and she would appear before the competent court/authority to get FIR quashed.

9. In view of statements recorded by the trial Court, it is quite evident that matter has been amicably settled and marriage stands dissolved. The respondent either has lost her interest to pursue the matter or she is resiling from her words. The petitioner cannot be left in lurch. It is well known fact FIR in matrimonial matters are mechanically lodged and thereafter matters are settled.

10. In view of findings recorded by the trial Court, there seems no reason to continue trial against the petition. The present petition deserves to

be allowed and accordingly allowed.

11. FIR No.63 dated 19.08.2013, under Sections 406 and 498-A of IPC, registered at Police Station Women Cell, District Patiala is hereby quashed qua the petitioner.

(JAGMOHAN BANSAL)
JUDGE

22.05.2023
anju

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