

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

124+253

CRM-M-35075-2022(O&M)

Date of decision : 18.05.2023

Sukhwinder Singh and Ors.

..... Petitioners

V/S

State of Punjab and Another

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr.T.P.Singh, Advocate
for the petitioners.

Mr. Vinay Kumar Gupta, AAG, Punjab.

Mr. Munish Kumar, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

CRM-17625-2023

This is an application u/s 482 Cr.P.C. for placing on record the copy of judgment and decree of divorce dated 07.02.2023 as Annexure P-8.

For the reasons stated in the application, the same is allowed. The accompanying document Annexure P-8 is taken on record.

The application is disposed of.

CRM-M-35075-2022

The petitioners- Sukhwinder Singh, Joginder Singh, Sunita Rani, Gurdeep Kaur and Ramandeep Kaur have filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No.153 dated 09.12.2017, under Section 498-A

of IPC, registered at Police Station City Nawanshahr, District S.B.S. Nagar and all other subsequent proceedings on the basis of compromise between the parties dated 02.07.2022 (Annexure P-5).

As per the facts of the case, the complainant –Naresh Devi filed complaint against her husband and in-laws family alleging that she got married with Sukhwinder Singh on 02.09.2016. Her parents had given dowry articles beyond their capacity. After some time, her husband started raising demand for more dowry as well as cash amount. He used to pickup quarrel on petty issues. Her father-in-law, mother-in-law and sister-in-law used to support her husband. They caused physical and mental harassment to her. She informed her parents and they tried to settle the dispute with the intervention of relatives. Her husband and in-laws family accepted their mistake and gave assurance that it will not happen in future. After some time, they repeated their earlier behaviour and again started causing harassment to her. On 09.04.2017 her husband and members of in-laws family left her at her parents house by saying that they will take her back after few days. Thereafter, they refused to take her back and pressed upon their demand for more dowry and cash amount. Ultimately, the matter was reported to the police and the present 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 Chief Judicial Magistrate, S.B.S. Nagar dated 12.12.2022. 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- Sukhwinder Singh, Joginder Singh, Sunita Rani, Gurdeep Kaur and Ramandeep Kaur have also confirmed this fact in their separate statement. The statement of ASI Ram 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 Chief Judicial Magistrate, S.B.S. Nagar, 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 07.02.2023 (Annexure P-8). Now, they will be able to live independently in peace. 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.153 dated 09.12.2017, under Section 498-A of IPC, registered at Police Station City Nawanshahr, District S.B.S. Nagar and the consequential proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

(AMARJOT BHATTI)
JUDGE

18.05.2023.
Sunil Devi

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No