

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

287

CRM-M-50601-2022

Date of decision : 29.05.2023

Kuldeep Singh and Anr.

..... Petitioners

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. K.S.Brar, Advocate
for the petitioners.

Mr. Vinay Kumar Gupta, AAG, Punjab.

Mr. Amandeep Singh, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

The petitioners-Kuldeep Singh and Kulwant Kaur have filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No.14 dated 14.02.2019, under Sections 494, 498-A, 406, 365 and 34 of IPC, registered at Police Station Jhunir, District Mansa and all other subsequent proceedings on the basis of compromise between the parties dated 14.10.2022 (Annexure P-2).

As per the facts of the case, the complainant –Lovepreet Kaur filed a written complaint against her husband-Kuldeep Singh, Arshdeep Kaur and others alleging that her marriage was solemnized with Kuldeep Singh on 29.03.2012 by way of Anand Karaj ceremony. They lived together as husband and wife and one daughter-Avneet Kaur was born on 27.10.2015. Her parents had spent six lacs

rupees on her marriage and they had given sufficient dowry as per the demand of her in-laws. After one month of marriage, she came to know that Kuldeep Singh was having affair with Arshdeep Kaur and she used to call her husband. Her husband used to quarrel with her. She disclosed this fact to her mother-in-law who suggested her to keep mum. She was threatened and ill-treated by her husband and his family members. Her husband left the house in August, 2013 by saying that he was going out for some work and will return back after 10-15 days. Later on, she came to know that a criminal case was registered against him. Whenever, she enquired about the whereabouts of Kuldeep Singh no proper reply was given. Thereafter, her husband and his mother started compelling her to bring cash of two lacs rupees from her parents. Her parents satisfied this demand to save her married life. In January, 2017 Arshdeep Kaur along with her son-Anshmeet Singh started visiting the house and lived for about 15-20 days. Kuldeep Singh did not talk to her during this period. In December, 2017, Kuldeep Singh openly proclaimed regarding his relationship with Arshdeep Kaur. She along with her minor daughter were deserted on 06.12.2017. During this period her brother committed suicide and she also suffered from typhoid. On 25.08.2018, Kuldeep Singh took away her daughter on the pretext to buy something for her and did not returned back. He refused to handover the custody of minor daughter to her. In fact Kuldeep Singh had already solemnized marriage with Arshdeep Kaur on 07.08.2013 and this fact was mentioned by them in CRM-M-26222-2013 decided on 12.08.2013. She further came to know about the registration of FIR No.86 dated 09.08.2013, under Sections 363, 366-A of IPC, at Police Station Sardulgarh, District Mansa. In this way both Kuldeep Singh and Arshdeep Kaur played fraud

with her. Ultimately, she filed the complaint on the basis of which the present FIR has been registered.

Learned State counsel has filed status report, which is taken on record.

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, Sardulgarh dated 25.04.2023. 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- Kuldeep Singh and Kulwant Kaur have also confirmed this fact in their separate statements. The statement of HC Gurpreet 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, Sardulgarh, 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 04.03.2020. 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.14 dated 14.02.2019, under Sections 494, 498-A, 406, 365 and 34 of IPC, registered at Police Station Jhunir, District Mansa and the consequential proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

(AMARJOT BHATTI)
JUDGE

29.05.2023.
Sunil Devi

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