





both the parties filed petition under Section 13-B of Hindu Marriage Act before the learned Principal Judge, Family Court for dissolution of marriage by mutual consent and on 06.02.2019 i.e. on the date of first statement, respondent No.2 received an amount of Rs. 12,00,000/- and suffered a statement to this aspect and on 18.02.2020, statements of parties of second motion was recorded and on that day itself, respondent No. 2 received the remaining amount of Rs. 8,00,000/-. It was also agreed that child will remain in the custody of respondent No. 2. It was further agreed that criminal cases shall not be pursued by the complainant/respondent No. 2 and she shall have no objection for quashing of the above mentioned FIR(supra) on the basis of said decree of divorce. It is further contended that the entire dispute stands resolved and the complainant has already acted upon the compromise and has obtained the decree of divorce, by way of mutual consent vide judgment and decree dated 18.02.2020 passed by learned Principal Judge, Family Court, Amritsar.

4. Having heard learned counsel for the parties and after perusal of the record, it transpires that petitioner No.1 and respondent No.2 have obtained a decree of divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act on 18.02.2020.

5. The Hon'ble Supreme Court in ***Ruchi Agarwal vs. Amit Kumar Agarwal and others, 2004(4) RCR (Criminal) 949*** and ***Mohd. Shamin vs. Smt. Nahid Begum, 2005(1) RCR (Criminal) 697*** has categorically held that FIR is liable to be quashed when the parties have already entered into compromise and have obtained decree of divorce by way of mutual consent. The parties have performed their obligations under the settlement and the action of the respondent No.2-wife, who is not withdrawing her case under Section 498-A and 506 and 120-B of IPC is liable to be quashed.

6. The relevant portion cited in judgment of Ruchi Agarwal (supra) is reproduced hereinbelow:

*“...Therefore, we are of the opinion that the appellant having received the relief he wanted without contest on the basis of the terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this appeal arises was filed by the wife only to harass the respondents.
8. In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the court if the criminal proceedings from which this appeal arises is allowed to continue...”*

Reliance in this regard is also placed upon the judgments passed by this Court in ***Deepak Arora vs. State of Haryana and another 2015(7) RCR (Criminal) 649, Vermuri Shyam Parshad vs. State of Haryana*** and another in case bearing No. ***CRM-M-37423 of 2019, Sukhwinder Singh and others vs. State of Punjab and another*** bearing No. ***CRM-M-22240 of 2014*** and the judgment passed by the Hon’ble Supreme Court in ***State of Karnataka vs. L. Muniswamy and others, AIR 1977 SC 1489***.

7. Accordingly, the present petition is allowed and FIR No. 118 dated 27.10.2018 under Sections 498-A, 506 and 120-B of the Indian Penal Code, 1860 registered at Police Station Bhindi Saidan, District Amritsar Rural along with all the consequential proceedings arising therefrom are hereby quashed qua the petitioners.

November 11, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No