

CRM-M-1331-2020
Date of decision: 15.04.2024

....Petitioners

...Respondents

Mr. Sandeep Kumar, DAG, Punjab.

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0052 dated 14.04.2017 under Sections 406/498-A of IPC registered at Police Station City Muktsar, District Shri Muktsar Sahib (Annexure P-1).

*‘As per office report, respondent No.2 has been served. However, there is no representation on her behalf.
Intimation of the listing of the case be given to her for 16.01.2023.’*

4. Learned counsel for the petitioners *inter alia* contends that the FIR (supra) was registered due to the matrimonial discord between petitioner No.3 and respondent No.2 and thereafter, a compromise was effected between the

parties and petition under Section 13-B of the Hindu Marriage Act filed by petitioner No.3 for dissolution of marriage by granting decree of divorce on the ground of mutual consent was also allowed by the learned District Judge, Ferozepur vide order dated 29.10.2018 and there is no pending claim towards maintenance, as discernible from the aforementioned judgment. As the petitioners have earlier approached this Court seeking quashing of FIR (supra) on the basis of compromise by filing a petition bearing CRM-M-45182 of 2018, however, the complainant-respondent No.2 did not come forward for getting her statement recorded and as such, the aforementioned quashing petition was dismissed as withdrawn on 03.12.2019. 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 and now she is married and residing at her in-laws house.

5. Having heard learned counsel for the parties and after perusal of the record, it transpires that petitioner No.3 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 29.10.2018.

6. 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 406 of IPC is liable to be quashed. 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.0052 dated 14.04.2017 under Sections 406 and 498-A IPC at Police Station City Muktsar, District Sri Muktsar Sahib along with all the consequential proceedings arising therefrom are hereby quashed qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

15.04.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No