

...PETITIONER

...RESPONDENTS

Present: Mr. Sahil Soi, Advocate for the petitioner.

HARPREET SINGH BRAR J. (ORAL)

- MANISHA
2024.05.03 15:13
I attest to the accuracy and
authenticity of this
order/judgment

in England, the in-laws of the complainant subjected her to maltreatment and started pressurizing her to seek a divorce. The petitioner in the meantime never tried to bring her and their son to England. Thereafter, on 13.11.2011, the complainant was beaten by the petitioner and her in-laws as they wanted the complainant to purchase a luxury car for them. The complainant narrated her ordeal to her parents and subsequently the parents came to her matrimonial house and took the complainant away.

3. Learned counsel for the petitioner *inter alia* contends that the parties to the dispute had entered into a compromise (Annexure P-2) vide which the petitioner and his parents paid a sum of Rs. 15 Lakhs to the complainant. In return, the complainant agreed to get the criminal case stemming from the instant FIR quashed. Pursuant to the compromise, a petition for quashing the FIR was filed before this Court wherein recording of statements by the parties was ordered. Thereafter, the statements were recorded and respondent No.2 specifically stated that all the claims were settled between the parties and she does not object to the quashing of the FIR against the petitioner and his family members. Since, the petitioner was abroad at the time, the petition was dismissed as withdrawn with liberty to file a fresh one once the petitioner comes back to India. Meanwhile, the parents of the petitioner who were co-accused in the present case were acquitted by the learned trial Court vide judgment dated 01.05.2013. As such, respondent No. 2 has no claim against the petitioner as it is a well-settled proposition in the cases of matrimonial dispute that once a settlement is effected between the parties, the FIR is liable to be quashed.

4. Having heard the learned counsel for the petitioner and after perusing the record of the case, it transpires that the parties to the dispute reached a compromise on 10.10.2012 qua which the following the statement

was recorded by the respondent No.2-complainant before the learned trial Court:

Stated that a compromise dated 10.10.2012 has been effected between me and Gurnam Singh, Kamalit Kaur and Harmit singi accused and as per compromise my all claims arising out of matrimonial dispute/relation has been fully settled and satisfied. I have seen the compromise Ex.C1 which is duly signed by me without any pressure and my own sweet will and without any influence and threat or coercion from any side or from the side of the accused. I have no objection if the FIR No. 25 dated 24.04.2012 U/S 406/498A/506 IPC of PS Women Cell, against the accused Gurnam Singh, Harmit Singh and Kamaldeep Kaur is quashed.

Clearly thus, there is no dispute that the respondent No.2-complainant willingly entered into a compromise.

5. Owing to the fact that the petitioner was unavailable at the final stage of the quashing of the FIR, the petition was dismissed as withdrawn with liberty granted file a fresh petition once the petitioner returned to India. As per another statement of respondent No.2-complainant (Annexure P-6), a total sum of Rs. 15 lakhs was received by her. She further stated that *“My son and I have nothing due from Harmeet Singh, son of Gurnam Singh and his wife Kamaljit Kaur. I also state that divorce case is pending in Court and we will fully cooperate for the same.”*. It is settled law that once a compromise is arrived at between the parties and all the conditions laid out therein have been substantially complied with by one of the parties, the other party cannot be allowed to resile from the same, after obtaining the benefits arising out of the said compromise. Reliance in this regard can be placed on ***Nishan Singh vs. State of Punjab and anr. 2018(4) Law Herald 3393, Sandip Somany vs. State of Haryana and anr. 2016(2) Law Herald 1305 and Ram Lal and ors. vs. State of Haryana and anr. 2008(2) R.C.R. (Criminal) 823.***

6. The Hon’ble Supreme Court dealt with similar issues in the cases of *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* and it was concluded that when the parties have entered into a compromise, but the complainant has backed out from the same, the FIR is liable to be quashed in such situations. The relevant portion cited in the judgment of *Ruchi Agarwal (supra)* is reproduced herein below:

“...Therefore, we are of the opinion that the appellant having received the relief the 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...”

7. In view of the facts and circumstance of the present case and the discussion above, this Court does not find any reason to allow criminal prosecution to continue against the petitioner. Accordingly, the present petition is allowed and FIR No. 25 dated 24.04.2012 registered under Sections 406, 498-A and 506 of IPC, registered at Police Station Women Cell, Jalandhar City and all subsequent proceedings arising out of the same are hereby quashed.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

April 25, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i) Whether speaking/reasoned

Yes/No

(ii) Whether reportable

Yes/No