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CRM-M-10946-2020 (O&M) - 1 -

275 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-15160-2024 in/&
CRM-M-10946-2020 (O&M)
DATE OF DECISION : 02.09.2024

ROHIT SHARMA AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Shakti Gautam, Advocate for the petitioners.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

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[1] This is an application for placing on record the copy of the order dated 17.02.2016 passed in CRM-M-34159-2015 by the Co-Ordinate Bench of this Court (Annexure A-1). The said order has been verified by the Reader of this Court. The same is allowed to be taken on record.

[2] Registry is directed to tag the same at the appropriate place.

[3] Disposed of.

Main case

[4] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 21 dated 23.04.2015, registered at Police Station Women Cell, District Patiala under Sections 406 and 498-A of IPC on the basis of judgment and decree dated 22.09.2016 (Annexure P-2).

[5] As per the order dated 05.08.2022, notice of motion was issued.



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However, today the counsel appearing for the petitioner contends that there is no need for issuance of notice to respondent No.2 since as per order dated 17.02.2016 passed in CRM-M-34159-2015 (Annexure A-1), it has already been ordered by the Co-Ordinate Bench that in terms of the compromise, after the grant of divorce, respondent Nos.2 and 3 (the present petitioners) will be entitled to file a petition for quashing of FIR on the basis of the compromise which took place on that day and it would not be necessary for the petitioners to appear and give consent for the same.

[6] I have heard the learned counsel for the parties and perused the documents.

[7] The FIR was registered on 23.04.2015. The matrimonial dispute between the parties already stands settled.

[8] The respondent No.2-wife of petitioner No.1 had filed an application for cancellation of bail, granted to the petitioners, by way of approaching this Court by filing CRM-M-34159-2015. During the pendency of the said petition, a compromise was effected between the parties and the following order was passed on 17.02.2016:-

“Parties are directed to meet in the chamber of Sh. Kundan Singh Nagra, Advocate at Patiala for filing the divorce petition by way of mutual consent. On the first date of hearing, respondent No.2 will pay an amount of ` 6 lacs by way of draft in favour of the petitioner. On the date of second hearing, respondent No.2 will make the remaining payment of ` 6 lacs to the petitioner by way of demand draft. The petitioner is also entitled to take the car and other articles lying with Women Cell,



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Patiala and after grant of divorce, respondents No.2 & 3 will be entitled to file a petition for quashing of FIR on the basis of today's compromise and it would not be necessary for the petitioner to appear and give consent for the same.

Till then, further proceedings in FIR shall remain stayed.

With the above observations, the present petition stands disposed of.”

[9] After passing of the said order, the parties have filed a joint petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent bearing No. Dmc No. 186/12 of 2016, which was accepted and decree of divorce was passed vide order dated 22.09.2016 (Annexure P-2). In the said petition, respondent No.2-wife has also stated that she would make statement regarding quashing of the present FIR. The statement of respondent No. 2 recorded during the pendency of the said petition (Annexure P-4) also finds mention that she has no objection if the FIR is quashed against her in-law's family. The said statement was recorded on 22.09.2016.

[10] Learned State counsel has informed that even the investigating agency has prepared a cancellation report which was presented twice. Firstly, the cancellation report was submitted, however, the Presiding Officer of National Lok Adalat, Patiala ordered for further investigation vide order dated 14.07.2018. Thereafter, the cancellation report was submitted and again the order for re-investigation was passed vide order dated 04.08.2023 by the learned Judicial Magistrate First Class, Patiala.

[11] Keeping in view the compromise between the parties and in



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view of the order dated 17.02.2016 passed in CRM-M-34159-2015 (Annexure A-1), all the matters subsequent to that stands settled. As such, there is no need for service of notice to respondent No.2.

[12] Consequently, the present petition is allowed on the basis of compromise between the parties and FIR No. 21 dated 23.04.2015, registered at Police Station Women Cell, District Patiala under Sections 406 and 498-A of IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[13] Pending miscellaneous application(s), if any, shall also stand disposed of.

02.09.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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