

**Sr. No.284****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-11757-2023 (O&M)****Date of decision: 05th November 2024****GURSEWAK SINGH AND ANR****.Petitioners****versus****STATE OF PUNJAB AND ANOTHER****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Gursimran Singh Bawa, Advocate
for the petitioners.

Mr. Jasdeep Singh, DAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.266 dated 09.10.2018, under Sections 406, 498-A read with Section 120-B IPC, 1860, registered at Police Station City Tarn Taran, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 06.05.2019 (Annexure P-2), executed between the parties.

2. Notice was ordered to be issued vide order dated 21.03.2023 for 25.07.2023. On 25.07.2023, it was noticed that respondent No.2 was served through her father but she did not put in appearance before the Court. On 13.03.2024, learned counsel for the petitioners again informed that notice to respondent No.2 was taken *dasti* and the same was received by her brother.

2.1 As per the report of the Registry, notice issued to respondent No.2 was received back unserved. However, as per the report of the Process

Server, Balraj Kaur met the Process Server and informed that Rajwant Kaur,
SIMRANDEEP KAUR
2024.11.11 10:08
I attest to the accuracy and
integrity of this order/judgment.



who is her sister-in-law (*nanad*), has solemnized marriage and she is residing in her matrimonial home. Balraj Kaur as well as a witness namely Sardool Singh, Chowkidar has duly signed the said report. Balraj Kaur is a close relative of respondent No.2. She has received the summons, as such, respondent No.2 has the intimation of the present petition. Even earlier, respondent No.2 was served through her father.

2.2 In such circumstances, it is clear that respondent No.2 is having notice of the present petition but she is intentionally not appearing before the Court. As such, I proceed to hear the present petition.

3. Learned counsel for the petitioners informs that a settlement agreement dated 06.05.2019 (Annexure P-2) was duly executed in the Mediation and Conciliation Centre of this Court. After receiving the entire payment in terms of the said settlement, the decree of divorce dated 28.05.2019 (Annexure P-3) was passed by the learned District Judge, Tarn Taran. However, respondent No.2 is not coming forward to make a statement for quashing of the present FIR. It is further contended that the petitioner No.1 is the ex-husband and petitioner No.2 is the mother of petitioner No.1, who are facing the trial.

4. Learned State counsel has informed that challan/final report under Section 173 Cr.P.C. has been presented before the trial Court. However, the evidence of prosecution is yet to be recorded.

5. As per Annexure P-2, the settlement was arrived at between the parties amicably and settlement deed dated 06.05.2019 (Annexure P-2) was executed in the Mediation and Conciliation Centre of this Court. The said agreement has been duly signed by both the parties, including Balraj Kaur



(*bhabhi* of respondent No.2/complainant), who has received the summons in the present petition.

6. In terms of Para No.8 of the settlement agreement (Annexure P-2), the total settlement amount was ₹1,75,000/-, out of which, ₹50,000/- was already received and the remaining amount of ₹1,25,000/- was paid by the petitioner in the Mediation and Conciliation Centre of this Court by way of Demand Draft No.751157 dated 03.05.2019, drawn on Dena Bank (now Bank of Baroda), Tarn Taran, which was accepted by respondent No.2. It has been categorically mentioned in Para No.8 of the settlement agreement (Annexure P-2) that a petition for quashing of the present FIR would be filed in this Court on the basis of the settlement between the parties and respondent No.2 had undertaken that she shall have no objection for quashing of the said FIR on the basis of the said settlement. She had further undertaken that she would execute an affidavit and make a statement before the Court for quashing of the FIR.

7. Annexure P-3 is the copy of decree of divorce dated 28.05.2019, under Section 13-B of the Hindu Marriage Act, 1955.

8. The Hon'ble Apex Court, in the case of "*Ruchi Agarwal versus Amit Kumar Agrawal; 2004(4) R.C.R. (Criminal) 949*"; while dealing with an issue where one party had withdrawn the cases on the basis of compromise, but the other party did not withdraw the cases filed on her behalf; observed that the conduct of the appellant after having received the relief she wanted without contest on the basis of the terms of the compromise, indicates that the criminal complaint from which the said appeal arises, was filed by the wife only to harass the respondent. The



“xxx xxx xxx xxx

7. *Learned counsel appearing for the appellant, however, contended that though the appellant had signed the compromise deed with the above-mentioned terms in it, the same was obtained by the respondent-husband and his family under threat and coercion and in fact she did not receive lump sum maintenance and her Stridhan properties, we find it extremely difficult to accept this argument in the background of the fact that pursuant to the compromise deed the respondent-husband has given her a consent divorce which she wanted thus had performed his part of the obligation under the compromise deed. Even the appellant partially performed her part of the obligations by withdrawing her criminal complaint filed under Section 125. It is true that she had made a complaint in writing to the Family Court where Section 125 Criminal Procedure Code proceedings were pending that the compromise deed was filed under coercion but she withdrew the same and gave a statement before the said court affirming the terms of the compromise which statement was recorded by the Family Court and the proceedings were dropped and a divorce was obtained. Therefore, we are of the opinion that the appellant having received the relief she 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.*

xxx xxx xxx xxx”

9. Keeping in view the facts and circumstances of the present case and also in view of the ratio of the decision of the Hon’ble Apex Court in the case of *Ruchi Agarwal* (supra), the present petition is allowed and FIR No.266 dated 09.10.2018, under Sections 406, 498-A read with Section 120-B IPC, 1860, registered at Police Station City Tarn Taran, District Tarn



Taran (Annexure P-1) and all the consequential proceedings arising therefrom, are ordered to be quashed qua the petitioners, on the basis of the compromise dated 06.05.2019 (Annexure P-2).

10. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

05th November 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>