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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17752-2022 (O&M)

Date of decision: 30.04.2024

GAGANDEEP

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gaurav Goel, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. Akshit Dhiman, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 78 dated 05.04.2019 registered under Sections 498-A of Indian Penal Code at Police Station Women District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 08.10.2021 (Annexure P-2).

2. The following order was passed on 13.03.2024:

“Mr. Akshit Dhiman, Advocate has caused appearance on behalf of respondent No.2 and filed his power of attorney which is taken on record.

Learned counsel for respondent No.2 contends that respondent No.2 has got married now and it is very difficult for her to appear before the trial Court for recording her statement.

Let the reply to the petition be filed by way of affidavit of respondent No.2.

Learned State counsel has informed that challan/final report under Section 173 Cr.P.C. has been presented before the trial Court and charges have been framed. However, no PW has been examined yet.

Adjourned to 30.04.2024.

Reply by way of affidavit of respondent No.2 be filed before the next date of hearing.”

3. In compliance of the aforesaid order, learned counsel for respondent No. 2 has produced the affidavit dated 23.04.2024 and the same is taken on record. A perusal of the said affidavit would indicate that the dispute between the petitioner and respondent No. 2 has been amicably resolved and she supports the quashing of the FIR(supra) on the basis of compromise. The affidavit further indicates that the decree of divorce by way of mutual consent has already taken place between the parties vide decree of divorce dated 09.05.2022 and respondent No. 2 has already received the settled amount.

4. Learned counsel for the petitioner placed reliance upon the judgment passed by this Court in case titled as ***Krishan Singh and Others Vs. State of Punjab and Another*** 2020(4) R.C.R. (Criminal) 327.

5. A similar question arose for consideration before the Supreme Court in a judgment rendered in ***Mohd. Shamim Vs. Smt. Nahid Begum*** 2005(1) RCR (Criminal) 697 and ***Ruchi Agarwal Vs. Amit Kumar Agarwal***, 2004(4) RCR (Criminal) 949, wherein the wife despite a compromise did not put in an appearance to get her statement recorded for withdrawal of cases filed by her under Sections 498-A and 506 of the IPC. The facts were similar as in the instant case and the Supreme Court in para 7 of the judgment came to hold that:-

“7.xx xx xx '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'.

6. In the aforementioned cases, FIRs were quashed, when dispute was compromised between the parties, but the wife did not appear before the learned

trial Court for getting her statement recorded for quashing of the FIR. Relevant para of judgment of *Krishan Singh (supra)* is reproduced hereinbelow:

“7. The judgment as rendered in *Ruchi Agarwal (supra)* has subsequently been followed in *Mohd. Shamim vs. Smt. Nahid Begum, 2005 (1) RCR (Criminal) 697 and Shlok Bhardwaj Vs. Runika Bhardwaj and others, 2015 (2) SCC 721*, wherein it has been held that after the matter has been settled between the parties the wife is estopped from continuing criminal proceedings. The judgment of *Mohd. Shamim vs. Smt. Nahid Begum(supra)* has subsequently been followed by this Court in '*Nirmal Sachdeva vs. State of Haryana and another, 2008 (27) RCR (Criminal)153*', '*Kamal Kishore and others vs. State of Punjab and another, 2006 (2) RCR (Criminal) 342*' , and '*Naveen and others vs. State of Haryana and another 2019 CrI. LJ 1004*' in CRM-M-17367-2018 decided on 06.12.2018 and '*Ram Lal and others Vs. State of Haryana and another, 2008(2) RCR (Criminal) 823*'.”

7. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466*, *Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834* and *Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63* and Full Bench of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052*, this petition is allowed and FIR No. 78 dated 05.04.2019 registered under Sections 498-A of Indian Penal Code at Police Station Women District Ludhiana and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

April 30, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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