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marriage, by way of a cheque. However, on 15.03.2016, the accused gave severe beatings to respondent No.2 in lieu of dowry and turned her out of the matrimonial home. Thereafter, respondent No.2 gave birth to a female child. The accused refused to rehabilitate her as she had birthed a daughter while they were expecting a male child. The gold articles and *stridhan* of respondent No.2 also remains in possession of the accused.

3. Learned counsel for the petitioners *inter alia* contends that a compromise was arrived at between petitioner No.1 and respondent No.2 in the Lok Adalat. Statements to this effect were also recorded on 02.07.2022. Petitioner No.1 had agreed to pay Rs. 7,00,000/- in two installments and respondent No.2 had agreed to withdraw all the cases filed by her. In pursuance of the same, respondent No.2 had already withdrawn the execution petition on 08.07.2022. The couple had also filed for divorce under Section 13-B of the Hindu Marriage Act, 1955. The first motion statement was recorded on 08.07.2022 and the second motion statement was recorded on 10.01.2023. The amount of Rs. 7,00,000/- has also been paid to respondent No.2. Consequently, divorce was granted to them vide judgment and decree dated 10.01.2023. As per the terms of the settlement, a petition bearing no. CRM-M-44816-2022 for quashing of the FIR(supra) based on compromise was also filed before this Court. However, respondent No.2 did not show up only to harass the petitioners and the said petition was withdrawn.

4. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the matter had been compromised between the parties, as recorded by award dated 13.08.2022 (Annexure P-4) passed by National Lok Adalat, Hoshiarpur. The statement of



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respondent No.2 dated 02.07.2022(Annexure P-2) indicates that she had agreed to withdrawing all cases filed by her against the petitioners and their family on receipt of the agreed sum of Rs. 7,00,000/- in lieu of all past, present and future maintenance. In fact, she had already withdrawn the execution petition as reflected by order dated 08.07.2022(Annexure P-3). A perusal of order dated 01.05.2023(Annexure P-11) passed by this Court indicates that respondent No.2 was not served in the petition bearing no. CRM-M-44816-2022, wherein FIR(supra) was sought to be quashed based on compromise, as she had moved to an unknown place. The said petition was ultimately allowed to be withdrawn as respondent No.2 did not come forward to record her statement vide order dated 11.05.2023 (Annexure P-12). Further, a perusal of statement of respondent No.2 dated 10.01.2023(Annexure P-8), recording during the divorce proceedings, indicates that she has already received Rs. 7,00,000/-, in accordance with the terms of the compromise. As such, respondent No.2 has clearly resiled from the compromise after deriving benefit from it and allowing the same would be detrimental to the cause of justice.

5. A two Judge bench of the Hon'ble Supreme Court in ***Ruchi Agarwal vs. Amit Kumar Agarwal 2004(4) R.C.R(Criminal) 949***, speaking through Justice Umesh C. Banerjee, opined as follows:

“6. It is based on the said compromise the appellant obtained a divorce as desired by her under Section 13B of the Hindu Marriage Act and in partial compliance of the terms of the compromise she withdrew the criminal case filed under Section 125 of the Criminal Procedure Code but for reasons better known to her she did not withdraw that complaint from which this appeal arises. That apart after the order of the High Court quashing the said complaint on the ground of territorial jurisdiction, she has chosen to file this appeal. It is in this background, we will have to appreciate the merits of this appeal.

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.”

6. Further, a Co-ordinate bench of this Court in **Krishan Singh and Others vs. State of Punjab and Another 2020(4) R.C.R. (Criminal) 327**, speaking through Justice Jaishree Thakur, made the following observations:

*“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**'. ”(emphasis added)*

7. In view of the discussion above, the present petition is allowed and FIR No. 39 dated 20.03.2017 registered under Sections 406, 498-A IPC at Police Station City Hoshiarpur and all subsequent proceedings arising out of

the same are hereby quashed qua the petitioners.

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

18.07.2024

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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