

CRM-M-25521-2023
Date of decision: 10.09.2024

Versus

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.97 dated 24.03.2018 (Annexure P-1) under Section 67 of I.T. Act and Sections 294/498-A/506/34 of IPC registered at Police Station City Jagraon, District Ludhiana and all subsequent proceedings arising therefrom.

Brief facts of the case are that the petitioner and respondent No.2 got married on 08.07.2012 at Kothe Rahlan, Tehsil Jagraon, District Ludhiana. Out of this wedlock, one male child was born. Thereafter, the petitioner and respondent No.2 part their ways since 07.08.2016 and thus, the present case.

Learned counsel for the petitioner *inter alia* contends that the FIR (*supra*) was registered on account of matrimonial dispute between the petitioner and respondent No.2 and thereafter, both of them amicably settled their dispute and a compromise was effected between them. Both the parties approached the jurisdictional Family Court and have obtained a decree of divorce by way of mutual consent vide order dated 02.04.2019 passed by the



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learned Family Court, Ludhiana and the following was observed:-

‘...3. It has been further alleged that all the claim of petitioners have been settled. Petitioner No.1 has received her full & final payment of past, present, future maintenance as well as her istridhan from petitioner no.2. She has undertaken not to claim any maintenance in future. Petitioner No.1 has undertaken to withdraw petition under Section 125 Cr.P.C., complaint under Section 12 of Domestic Violence Act and has agreed to render necessary assistance to petitioner No.2 in getting FIR No.97 dated 24.07.2018 u/s 294/498-A/506/34 of IPC and 67 IT Act quashed by making statement in the Court. Now they have decided to get the marriage dissolved by way of mutual consent.

...5. From the statements of the parties, it stands proved that the parties were married on 08.07.2012 according to Hindu rites and ceremonies at Kothe Rahlan, Tehsil Jagraon and Distt. Ludhiana. After the marriage, parties lived as husband and wife at Preet Vihar, Jagraon, Tehsil Jagraon, District Ludhiana and one son Mayank Bhandari was born from this wedlock, who is under the care & custody of petitioner No.2. Petitioner No.1 has agreed not to claim his custody in future. It is further made out that petitioners could not adjust with each other due to difference in temperaments and they are residing separately since 07.08.2016. All the claims between the petitioners have been settled. Petitioner No.1 has acknowledged having received all her istridhan as well as her past, present and future maintenance and permanent alimony from petitioner No.2. Petitioners have made their statements without any force, fraud or undue influence. It is made out that despite best efforts, petitioners have not been able to reconcile with each other during the period of six months granted to them and they have mutually decided to get the marriage dissolved by the decree of divorce. There is no impediment in the grant of decree of divorce to the petitioners...’

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 and decree of divorce has also been decreed vide order dated 02.04.2019 (Annexure P-5). Further, respondent No.2 has also received full and final amount of alimony from the petitioner. 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.



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.”

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**,*



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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 CrL 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).

In view of the discussion above, the present petition is allowed and FIR No.97 dated 24.03.2018 (Annexure P-1) under Section 67 of I.T. Act and Sections 294/498-A/506/34 of IPC registered at Police Station City Jagraon, District Ludhiana and all subsequent proceedings arising out of the same are hereby quashed *qua* the petitioner.

(HARPREET SINGH BRAR)
JUDGE

10.09.2024

Neha

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