

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

283

CRM-M-27313-2023 (O&M)

Date of order: 13.02.2024

Manjyot Singh Uppal & Others

.....Petitioner(s)

Vs.

State of Punjab & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ritesh Aggarwal, Advocate
for the petitioner.

Mr. Prabhdeep Singh Bhandari, AAG Punjab.

Nidhi Gupta, J.

Prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.5 dated 04.01.2018 (Annexure P1) under Sections 498-A, 323, 376, 506 and 511 IPC (Sections 323, 376, 506 and 511 IPC deleted later on) registered at Police Station Phase 1 Mohali, Punjab; along with all other subsequent proceedings arising therefrom.

2. It is inter alia submitted by learned counsel for the petitioner that the petitioner No.1 and respondent No.2 were married on 14.02.2010. One son was born out of this wedlock on 10.12.2013. Present FIR was registered on the basis of statement of the complainant/respondent No.2 herein. In a petition filed by petitioner No.1 before this Court seeking anticipatory bail in the present FIR, a Co-ordinate Bench of this Court had passed the following order on 13.08.2018 (Annexure P2):-

“Petitioner Manjot Singh Uppal and complainant Meena Chaudhary are present in the Court.

Efforts for amicable settlement between the parties have been made which have proved to be fruitful. It has been decided that on payment of Rs. 30 lacs by the petitioner to his wife the dispute shall end in the way that both the spouses shall get their marriage dissolved by a decree of divorce by mutual consent by filing a petition under Section 13B of the Hindu Marriage Act within 15 days from today. 50% of the amount i.e Rs.15 lacs shall be paid at the time of recording statements of the petitioners on first motion in proceedings under Section 13B of the Hindu Marriage Act whereas the remaining amount of Rs.15 lacs shall be paid at the time of recording of statements of petitioners in the Court on second motion. This amount would be taken as settlement of claim of the wife and minor son of the parties towards their maintenance , return of remaining 'Istridhan' articles etc. The parties shall withdraw the cases filed by them against each other by making statements in the Court wherever needed for getting the F.I.Rs and ancillary proceedings quashed. It has been agreed to safeguard the interest of the minor son that an FDR in the sum of Rs.10 lacs would be got prepared for the period till he attains majority with mother of the child as guardian and nominee. She would be able to withdraw the interest on the amount for the purpose of spending it for the upbringing, education etc. of the child. Further more the amount would be handed over by the husband to the wife in the form of demand draft and the wife would get the FDR prepared and then place copy thereof on the file of this Court. It is further agreed that Manjot Singh Uppal would furnish the requisite documents and complete necessary formalities for the purpose of getting new Visa or getting it renewed for the purpose of minor son of the parties. As regards the 17-18 boxes agreed to be sent by the

petitioner to respondent no. 2 it is stated that those boxes have been handed over by the petitioner to his wife which fact is admitted by Meena Chaudhary....”.

3. In pursuance to aforesaid order passed by Co-ordinate Bench of this Court, petitioner No.1 and respondent No.2 filed petition under Section 13-B of the Hindu Marriage Act, 1955. On 28.08.2018, statements of first motion were recorded; and partial payment of Rs.15 lakh was paid to the respondent No.2 by petitioner No.1 by way of demand draft.

4. On 17.09.2018, petitioners filed a petition before this Court for quashing of present FIR on the basis of compromise arrived at between the parties, wherein the parties were directed to appear before the learned Illaqa Magistrate, for recording of their statements with regard to the compromise. However, on the said date, respondent No.2 started raising additional conditions and demanding additional amount, which was beyond the letter and spirit of aforesaid order dated 13.08.2018, passed by Co-ordinate Bench of this Court. Respondent No.2 appeared before a Co-ordinate Bench of this Court in the aforesaid petition and remained adamant and hence, it was recorded in order dated 15.12.2018 (Annexure P6), that the agreement/settlement could not be effected between the parties.

5. Thereafter, the petitioner No.1 filed a contempt petition before this Court for non-compliance of aforesaid order dated 13.08.2018 (Annexure P2). Vide order dated 20.08.2019 (Annexure P7), a Co-ordinate

Bench of this Court passed a direction on the basis of affidavits filed by the petitioner and respondent therein with regard to preponement of Section 13-B petition and for recording of second motion statement. Petitioner No.1 was directed to pay the remaining amount of Rs.15 lakh at the time of recording of the second motion statement.

6. In compliance of aforesaid order dated 20.08.2019 (Annexure P7), the parties appeared before the learned Additional District Judge, SAS Nagar, Mohali and submitted individual second motion statements dated 26.08.2019 (Annexure P8), wherein both the parties had categorically mentioned that they would remain bound by the order dated 20.08.2019 (Annexure P7); and also undertook to withdraw all the pending litigations against each other.

7. Thereafter, the learned Additional District Judge passed the decree of divorce by way of mutual consent dated 26.08.2019 (Annexure P9).

8. Vide order dated 02.12.2021 (Annexure P10), the anticipatory bail petition of the petitioner No.1 was made absolute by a Co-ordinate Bench of this Court. Thereafter, petitioner No.1 withdrew all the pending litigations against respondent No.2, however, respondent No.2 has not withdrawn the cases filed by her against the petitioners rather she has shifted to USA along with minor son.

9. As neither the respondent No.2 nor anyone on her behalf was coming before this Court in the petition filed for quashing of present FIR on the basis of compromise, the petitioners were left with no

other option but to withdraw the said petition and hence, they have filed the present petition for quashing of present FIR on merits.

10. Learned counsel for the petitioners relies upon judgment of Hon'ble Supreme Court in "**Ruchi Agarwal Vs. Amit Kumar Agrawal**" 2005 (3) SCC 299, Law Finder Doc ID # 78949, wherein it has been held as under:-

"A. Criminal Procedure Code, Sections 320 and 482 – Indian Penal Code, Sections 498A and 506 – Criminal and Civil litigation between husband and wife – Parties entering into compromise and getting divorce by mutual consent – Wife, however, not withdrawing FIR under sections 498A and 506 Indian Penal Code, despite compromise – FIR quashed – Wife wanted to harass her husband even after getting the relief".

11. No other argument is made on behalf of the petitioners.

12. I have heard learned counsel for the petitioners.

13. Perusal of case files shows that notice was issued in the matter on 30.05.2023. Office report received shows that father of respondent No.2 refused to accept notice and stated that respondent No.2 now resides in America.

14. This shows that the complainant/respondent No.2 is not interested in pursuing the present petition.

15. In view of the above, present petition is **allowed**; and FIR No.5 dated 04.01.2018 (Annexure P1) under Sections 498-A, 323, 376, 506 and 511 IPC (Sections 323, 376, 506 and 511 IPC deleted later on) registered at Police Station Phase 1 Mohali, Punjab; along with all other

subsequent proceedings arising therefrom; are ordered to be quashed qua the petitioners.

16. Pending application(s) if any also stand(s) disposed of.

13.02.2024
Sunena

(Nidhi Gupta)
Judge

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