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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41939-2021

Date of decision: 23.10.2024

Pardeep Singh and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Deepak Aggarwal, Advocate
for the petitioners.

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.33 dated 20.07.2018 (Annexure P-1) under Sections 498-A/506 of IPC registered at Police Station Women, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom.

There is no representation on behalf of respondents No.2 & 3.

Brief facts of the case are that respondent No.3 got married with petitioner No.1 on 28.11.2016 and after marriage, respondent No.3 started residing at her matrimonial home but due to temperamental differences, both the parties could not adjust with each other and matrimonial dispute has arisen between them. Thereafter with the intervention of the respectables of the village, petitioner No.1 and respondent No.3 decided to part their ways and thus, the present case.

On 16.11.2021, the following order was passed:-

'It is the case of the petitioners that on account of matrimonial discord and temperamental differences, the FIR in question came to be registered.



However, later on, the parties had resolved their disputes by way of an amicable settlement and a compromise too was effected in the said regard between the parties.

Learned counsel for the petitioners submits that in terms of the compromise so effected between the parties, a joint petition under Section 13-B of the Hindu Marriage Act, 1955 (for brevity 'the Act'), was filed before the Family Court concerned by petitioner No.1 (husband) and respondent No.3 (complainant-wife) and in terms of the said compromise an amount of Rs. 23.00 lakhs was also paid to respondent No.3 (complainant-wife) by petitioner No.1 (husband). However, subsequently, respondent No.3 resiled from the compromise and for reasons but obvious has maliciously tried to implicate the entire family of her former in-laws by fabricating allegations against them. It has also been submitted that in fact both petitioner No.1 and respondent No.3 (complainant-wife) had re-married after the divorce was granted vide order dated 08th March, 2019, in a petition filed under Section 13-B of the Act.

Mr. Sukhdev Singh Khokher, Advocate, has put in appearance on behalf of respondents No.2 & 3 and filed his power of attorney on behalf of both the respondents. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place. He prays for time to file reply.

Adjourned to 24.01.2022.

Meanwhile, proceedings before the trial Court shall remain stayed till the next date of hearing.'

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 passed vide order dated 08.03.2019 (Annexure P-2). Further, respondent No.3 has also received full and final amount of alimony. As such, respondent No.3 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, 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.33 dated 20.07.2018 (Annexure P-1) under Sections 498-A/506 of IPC registered at Police Station Women, District Bathinda (Annexure P-1) and all subsequent proceedings arising out of the same are hereby quashed *qua* the petitioners.

(HARPREET SINGH BRAR)
JUDGE

23.10.2024
Neha

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