



113

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35072-2024 (O&M)
Date of decision: 25.07.2024

Shakuntla Monga and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. Kapil Aggarwal, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. D.S. Sobti, Advocate
for respondents No.2 & 3.

HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 seeking quashing of FIR No.202 dated 19.10.2011 under Sections 406 & 498-A of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Salem Tabri, District Ludhiana and all subsequent proceedings arising therefrom in view of the settlement/compromise agreement dated 11.07.2024 (Annexure P-2).

2024:PHHC:094233



2. Learned counsel for the parties are *ad idem* that the dispute between the petitioners and respondents No.2 & 3 has been amicably settled and on oath, petitioner No.3 and respondent No.2 have made their respective statements before the Hon'ble Division Bench of this Court, which are reproduced as under: -

“Statement of Vivek Monga son of Shri Sushil Kumar Monga, resident of House No.506, Phase-11, SAS Nagar, Mohali.

Stated that I have filed a Hindu Marriage petition bearing No.HMA No.19 of 18.3.2013, before the Addl. District Judge, Ludhiana, wherebys I sought the annulment of marital ties with my wife one Shivani Monga on the ground of desertion and cruelty. However, the said petition became dismissed through a declining decree made thereons, on 4.12.2018. Subsequently, I have filed the instant appeal thereagainst before this Court. Now both of us have filed a joint application bearing No.CM-11961-CII-2024 wherebys relief has been claimed that the petition (supra) whereons the said declining order became passed, be converted into a petition under Section 13-B of the Hindu Marriage Act, wherebys this Court may proceed to annul our marital ties through a decree of mutual consent becoming rendered. The said application is accompanied by my sworn affidavit. On the said affidavit my signatures exist at mark A, B and C, and, in terms whereof even my spouse one Shivani Monga has appended her signatures on the sworn affidavit which exist at mark D, E and F. Consequently in terms of the settlement

2024:PHHC:094233



arrived at amongst us, after allowing the amendment petition this Court may kindly be proceeded to allow my Hindu Marriage petition and declare our marital ties to become severed through decree of mutual consent becoming passed.

I have also filed an application bearing No.CM-11962-II-2024, whereby claiming relief for waiving the statutory period of 6 months commencing from today upto 6 months hereafter for both myself and my spouse for appearing before this Court for making a second motion statement. The said application is accompanied by my sworn affidavit. On the said affidavit my signatures exist at mark G, H and I, and, in terms whereof even my spouse one Shivani Monga has also appended her signatures on her sworn affidavit which exist at mark J, K & L.

Settlement/compromise is also arrived at between us and the same is appended as Annexure A-1 with application bearing No.CM-11963-CII-2024, where my signatures occur at point M. The compromise is signed by my wife at point N and her father has also signed the same, whose signatures occur at point O. As per the settlement I am ready to deposit the demand draft of Rs.33 lacs in the Registry of this Court and, the same be released to my wife one Shivani Monga after she withdraws all pending litigations against me and my parents within two months from today.

***Statement of Shivani Monga (wife of Vivek Monga)
daughter of Kulbhushan Mehta, resident of House No.8332,
Sector 125, Sunny Enclave, Tehsil Kharar, District Mohali.***

On S.A.

Stated that I have heard the statement of my husband

2024:PHHC:094233



namely Vivek Monga. I agree with the contents thereof. I identify my signatures occurring on all the three miscellaneous applications. I also identify the signatures of my father existing at point O of Annexure A-1. I pray that in terms of the statement made by my husband, this Court may permit the appellant-husband to withdraw the appeal. Moreover, I also request this Court to, after converting the Hindu Marriage petition into a petition under Section 13-B of the Hindu Marriage Act to subsequently annul our marital ties through a decree of mutual consent becoming passed by this Court. I also pray that as stated by my husband since there is a complete breakdown to our marital ties, as we are living separately since 15.02.2011 there is no chance of our cohabitation, therefore, this Court be pleased to waive the statutory period of 6 months commencing from today upto the making of second motion statement. I undertake to withdraw all the pending litigations filed by me against my husband and his parents. After the order of withdrawals being passed by the learned Courts concerned, subsequently I may be permitted to get released the demand draft in a sum of Rs. 33 lacs, drawn in my name from the Registry of this Court. In case I do not withdraw all the pending litigations filed against my husband and his parents then, it would be open to this Court to revive the instant appeal.”

3. Thereafter, the appeal filed by petitioner No.3 under Section 13(1) of Hindu Marriage Act, 1955 (for short ‘HM Act’) was converted into a petition under Section 13-B of HM Act and decree of divorce by way of mutual consent was granted by the Hon’ble Division Bench of this Court



vide order dated 18.07.2024 passed in FAO-M-77-2019 (Annexure P-7).

4. 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.202 dated 19.10.2011 under Sections 406 & 498-A of IPC, registered at Police Station Salem Tabri, District Ludhiana and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

[HARPREET SINGH BRAR]
JUDGE

25.07.2024
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No