



3. Learned counsel for the petitioner, *inter alia*, contends that FIR (supra) was registered due to matrimonial dispute between the petitioner and respondent No.2. Thereafter, both the parties have amicably resolved their dispute and filed a petition under Section 13-B of Hindu Marriage Act for grant of divorce by way of mutual consent, whereby statement of respondent No.2 was recorded on 08.08.2022 (Annexure P-2) and perusal of the same would reveal that respondent No.2 has already taken Rs.18.00 lacs as alimony in lieu of full and final settlement towards past and future claims. Statement of respondent No.2 recorded by learned Principal Judge, Family Court, Panipat further reveals that the parties have agreed to withdraw the cases filed against each other. However, respondent No.2 is not coming forward for getting the FIR (supra) quashed on the basis of compromise. In this regard, learned counsel for the petitioner relies upon ***Mohd. Shamim Vs. Smt. Nahid Begum, 2005(1) RCR (Crl.) 697*** and contends that case of the petitioner is squarely covered by the aforesaid judgment and as such, FIR (supra) is liable to be quashed.

4. Learned State counsel could not controvert the fact that the decree of divorce has been passed on the basis of mutual consent between petitioner and respondent No.2 vide Annexure P-2 and respondent No.2 has received entire payment towards her past, future and present alimony.

5. The office report indicates despite service, there is no representation on behalf of respondent No.2. As such, this Court has no other option but to decide the present case on its own merits.

6. 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 them in their joint statement



dated 08.08.2022 before the learned Family Court, Panipat (Annexure P-2). However, respondent No.2 is not coming forward for getting FIR (supra) quashed in support of the compromise. A perusal of Annexure P-2 indicates that decree of divorce was obtained by way of mutual consent between the parties and respondent No.2 has been paid a sum of Rs.18,00,000/- by way of permanent alimony towards her past, present and future settlement, 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.

7. 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.”

8. 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)

8. In view of the discussion above, the present petition is allowed and FIR No.105 dated 20.05.2019 under Sections 323, 406, 498-A, 506 of IPC, registered at Women Police Station Panipat, District Panipat (Annexure P-1) and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

October 25, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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