

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

CRM-M-36665-2024
Date of decision: 21.08.2024

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.P.S. Sandhu, Advocate
for the petitioners.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.8 dated 25.02.2022 (Annexure P-1) under Sections 354/354-B/498-A/406 of IPC registered at Police Station Women Naraingarh District Ambala.

Brief facts of the case are that petitioner No.1 and respondent No.2 got married on 26.08.2021 at Hisar in accordance with Hindu rites and ceremonies. Out of this wedlock, no child was born. Thereafter, petitioner No.1 and respondent No.2 part their ways since 27.11.2021 and thus, the present case.

Learned counsel for the petitioners *inter alia* contends that the FIR (*supra*) was registered on account of matrimonial dispute between petitioner No.1 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



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divorce by way of mutual consent. Respondent No.2 has given an undertaking in the compromise that at the time of the quashing of FIR (*supra*), respondent No.2 will cooperate and will make a statement in support of the compromise and she has received the full and final alimony at the time of divorce and now she has resiled from the compromise and now not coming forward to get the FIR (*supra*) quashed.

On 01.08.2024, this Court has directed the learned State counsel to verify the factum of divorce between petitioner No.1 and respondent No.2 as well as the payment of permanent alimony to respondent No.2. In compliance thereof, the learned State counsel has filed status report by way of affidavit of Sh. Mukesh Kumar, HPS, Assistant Superintendent of Police, Ambala, District Ambala on behalf of respondent No.1-State and the same is taken on record. The learned State counsel has given specific reference to para 5 of status report which is reproduced as under:-

5. *'That in pursuance of orders dated 01.08.2024 passed by this Hon'ble Court, SHO WPS Naraingarh was directed to comply with the orders of this Hon'ble Court, upon which W/SI Hardeep Kaur, WPS Naraingarh reached at village Barsu Majra, Tehsil-Naraingarh, Ambala at the house of the complainant/respondent No.2-Neha daughter of Pawan Kumar and joined her in the investigation and verified the facts of petition under Section 13-B of the Hindu Marriage Act-1955 and the payment of alimony and it is learnt that the marriage of the accused-petitioner and that of complainant/respondent No.2 has been dissolved by the Ld. Court of Ms. Manpreet Singh, Addl.Principal Judge Family Court Camp Court at Naraingarh (Ambala) vide judgment/decree dated 12.04.2024 and the full payment of alimony amount has also been paid by the accused-petitioner to the complainant/respondent No.2. Thereafter, IO reached at court complex Ambala City and approached the Ld. Court of Sh. Manpreet Singh Addl. Principal Judge Family Court Camp Court at Naraingarh (Ambala) and verified the factum of mutual divorce of the accused-petitioner and that of complainant/respondent No.2.'*



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 12.04.2024 (Annexure P-4). Further, respondent No.2 has also received full and final amount of alimony from petitioner No.1. 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, 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.8 dated 25.02.2022 (Annexure P-1) under Sections
354/354-B/498-A/406 of IPC registered at Police Station Women Naraingarh
District Ambala and all subsequent proceedings arising out of the same are
hereby quashed qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

21.08.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No