



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

CRM-M-42368-2023
Date of decision: 08.08.2024

SARABJIT SINGH AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. N.S. Dandiwal, Advocate for
 Mr. Kuldeep Singh Saini, Advocate
 for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.97 dated 17.06.2021 registered under Sections 406, 498-A, 120-B IPC at Police Station Bassi Pathana, District Fatehgarh Sahib (Annexure P-1) and all the subsequent proceedings arising therefrom qua the petitioners.

2. Brief facts of the case are that marriage between petitioner No.1 and respondent No.2 was solemnized on 27.05.2018 as per Sikh rites and Ceremonies. No child was born out of the wedlock. After some time of marriage, in-laws of respondent No.2 started harassing and beating the complainant on account of demand of dowry and gave life threats. When respondent No.2 refused to fulfill the demands of her in-laws, she was thrown out of her matrimonial home and was never taken back. In this regard, one complaint was also filed which was marked to DSP Bassi Pathana. Thereafter, on 02.03.2021, a compromise was effected between the parties but petitioner No.1 stepped back from the compromise and filed recovery suit in the Civil



Court at Samrala. Thereafter, the complainant/respondent No.2 had again filed the present complaint.

3. Status report dated 02.08.2024 by way of an affidavit of Mohit Kumar Singla, PPS, Deputy Superintendent of Police, Sub Division Bassi Patahna, District Fatehgarh Sahib on behalf of respondent No.1-State has been filed and the same is taken on record.

4. Learned counsel for the petitioners *inter alia* contends that marriage between petitioner No.1 and respondent No.2 was resolved by way of mutual consent and statement of respondent No.2, recorded by learned Family Court, Fatehgarh Sahib clearly indicates that matter regarding her permanent alimony and maintenance towards past, present and future had been settled and she has received a sum of Rs.2,00,000/- in the form of cash from petitioner No.1 in Court itself and she has further undertaken not to claim any maintenance from petitioner No.1. Learned counsel further submits that the judgment and decree of divorce passed under Section 13-B of Hindu Marriage Act, dissolving the marriage between the parties is available on record as Annexure P-4. Thereafter, the petitioners filed a petition bearing CRM-M No.39909 of 2021 seeking quashing of FIR (supra) on the basis of compromise, however, respondent No.2 did not co-operate and did not come forward to record her statement. As such, the petitioners had no other option but he has to withdraw the aforesaid petition.

5. Learned State counsel could not controvert the fact that the decree of divorce has been passed on the basis of mutual consent between petitioner No.1 and respondent No.2 vide Annexure P-4 and respondent No.2 has received entire payment towards her past, future and present alimony.



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 compromise dated 02.08.2021 (Annexure P-2). A perusal of order dated 22.03.2022 (Annexure P-5) passed by this Court indicates that respondent No.2 was served and admitted the factum of compromise, in the petition bearing no.CRM-M-39909-2021, wherein FIR (supra) was sought to be quashed based on compromise. The said petition was ultimately allowed to be withdrawn vide order dated 03.02.2023 (Annexure P-6) as respondent No.2 did not come forward to record her statement before the Court concerned in support of the compromise. The perusal of Annexure P-4 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.2,00,000/- 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 CrI. 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)

9. In view of the discussion above, the present petition is allowed and FIR No. 39 dated 20.03.2017 registered under Sections 406, 498-A IPC at Police Station City Hoshiarpur and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

August 08, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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