



CRM-M-44808-2024 (O&M)
Date of decision: 14.11.2024

...PETITIONERS

V/S

...RESPONDENTS

Present: Mr. Sukhbir Maandi, Advocate
for the petitioners.
Mr. Sandeep Kumar, DAG Punjab.

None for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.70 dated 13.05.2022 under Sections 498-A & 506 of IPC, registered at Police Station Verowal, District Tarn Taran (Annexure P-1) and all the subsequent proceedings emanating therefrom.
2. Short reply by way of affidavit of Kamalmeet Singh, PPS, Deputy Superintendent of Police, Sub Division Tarn Taran, District Tarn Taran on behalf of respondent No. 1-State of Punjab has been filed by learned State counsel. Same is taken on record. Registry is directed to tag the same at the appropriate place.
3. Office report indicates that notice issued to respondent No. 2 has been received back duly served. However, there is no representation on her behalf.
4. On 26.09.2024, following order was passed:



“Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.70 dated 13.05.2022 under Sections 498-A & 506 of IPC, registered at Police Station Verowal, District Tarn Taran (Annexure P-1) and all the subsequent proceedings emanating therefrom.

*Learned counsel for the petitioners, inter alia, contends that FIR (supra) was registered on 13.05.2022 due to matrimonial dispute between petitioner No.1 and respondent No.2 and thereafter, the matter was amicably resolved. Both of them jointly filed a petition under Section 13-B of the Hindu Marriage Act, 1955 seeking dissolution of marriage by way of mutual consent on 21.02.2022 and all the terms and conditions of the compromise were settled. As per final settlement as agreed between the parties, they have settled their all claims between them for Rs.3.00 lacs and respondent No.2 received half of the amount at the time of recording the statement at first motion and remaining amount was received at the time of recording the statement at the second motion and she further undertook to take necessary steps for quashing of FIR (supra) got registered by her against the petitioners. She stated that she will be bound to get her statement recorded in the Court of Illaqa Magistrate, Khadoor Sahib regarding her consent to quash the FIR (supra) and she will not resile from her aforesaid undertaking. Learned counsel for the petitioners refers to para No.5 of the judgment dated 30.09.2022 passed by learned Family Court, Tarn Taran in this regard and submits that case of the petitioners is squarely covered by the judgment of the Hon’ble Supreme Court in **Ruchi Agarwal Vs. Amit Kumar Agrawal and Ors. 2004 (4) RCR (Criminal) 949** and of this Court in **Ram Lal and others Vs. State of Haryana and another, 2008 (2) RCR (Criminal) 823, Deepak Arora Vs. State of Haryana and another, 2015(7) RCR (Criminal) 649** and **Nishan Singh Vs. State of Punjab and another, 2018 (4) Law Herald 3393.***



Notice of motion for 14.11.2024”

5. Perusal of para No. 5 of the judgment and decree dated 30.09.2022 passed by learned Principal Judge, Family Court, Tarn Taran indicates that respondent No. 2 has already received the settled amount towards all her claims and she has undertaken to take necessary steps for quashing of FIR(supra). Following was recorded in para No. 5 of the said judgment:

“As per the statements and settlement as agreed upon between them, they have settled their all the claims between them in the shape of money amounting to Rs.3,00,000/- and, as such, petitioner no.1 Navneet Kaur has received Rs.1,50,000/- in cash at the time of recording statements on first motion and she has also received Rs.1,50,000/- at the time of recording of statements on second motion from petitioner no.2 Warisdeep Singh and nothing is due between them. The petitioner no.1 further stated that she undertakes to take necessary steps for the quashing of FIR No.70/2022 under Sections 406/498-A IPC got registered by her at Police Station Verowal against petitioner no.2 Warisdeep Singh and his family members and she will be bound to get recorded her statement in the Court of Illaqa Magistrate, Khadoor Sahib regarding her consent to quash the above said FIR and she will not resile from her undertaking to facilitate the quashing of above said FIR after passing the judgement and decree under Section 13-B HMA in the present petition. Further, they shall not claim anything in the matter of inheritance, maintenance or share from the property i.e. movable and immovable against each other in future. Further, they will not file any criminal and civil cases against each other in future. Further, no one can obstruct or object to each other in any manner after passing decree under Section 13-B of the Hindu Marriage Act.

They have also stated that the statements of both the petitioners have been given without any pressure, coercion and undue influence.”

6. Accordingly, the present petition is allowed and FIR No.70 dated 13.05.2022 under Sections 498-A & 506 of IPC, registered at Police Station Verowal, District Tarn Taran (Annexure P-1) along with all the consequential proceedings arising therefrom are hereby quashed qua the petitioners.

November 14, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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