

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

CRM-M-59334-2022
Date of decision: 10.09.2024

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Siddharth Arora, Advocate for
Ms. Rani Bhavjot Kaur Bhullar, Legal Aid Counsel
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.97 dated 24.03.2018 (Annexure P-1) under Section 67 of I.T. Act and Sections 294/498-A/506/34 of IPC registered at Police Station City Jagraon, District Ludhiana and all subsequent proceedings arising therefrom.

Brief facts of the case are that respondent No.2 got married with Karan Bhandari on 08.07.2012 at Kothe Rahlan, Tehsil Jagraon, District Ludhiana. Out of this wedlock, one male child was born. Thereafter, Karan Bhandari and respondent No.2 part their ways since 07.08.2016 and thus, the present case.

On 17.04.2023, the following order was passed:-

‘The petitioners through instant petition under Section 482 Cr.P.C. are seeking quashing of FIR No.97 dated 24.03.2018 (Annexure P-1) under Section 67 of I.T. Act and Sections 34/294/498-A/506 of IPC registered at Police Station City Jagraon, District Ludhiana.



Learned counsel for the petitioners inter alia contends that marriage of son of petitioner No.1 was solemnized with the complainant/respondent No.2 on 08.07.2012. The couple could not cohabit and on account of temperamental issues, the complainant left company of the son of petitioner No.1. With the intervention of respectables, the matter was compromised and in terms of compromise, petition under Section 13-B of the Hindu Marriage Act, 1955, seeking divorce with mutual consent was filed before the Family Court. The Family Court vide judgment and decree dated 02.04.2019 ordered to dissolve the marriage of son of petitioner No.1 with complainant/respondent No.2. The complainant in terms of compromise was supposed to cooperate in getting impugned FIR quashed, however, complainant has resiled from her words and not coming forward to get the impugned FIR quashed.

Notice of motion.

Mr. Amish Sharma, AAG, Punjab puts in appearance and accepts notice on behalf of respondent No.1-State.

Adjourned to 18.05.2023.

Process be issued dasti as well qua respondent No.2.

To be shown in urgent list.'

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 02.04.2019 (Annexure P-5). Further, respondent No.2 has also received full and final amount of alimony. 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.97 dated 24.03.2018 (Annexure P-1) under Section 67 of I.T. Act and



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Sections 294/498-A/506/34 of IPC registered at Police Station City Jagraon,
District Ludhiana and all subsequent proceedings arising out of the same are
hereby quashed *qua* the petitioners

(HARPREET SINGH BRAR)
JUDGE

10.09.2024
Neha

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