

CRM-M-63280-2023

239 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-63280-2023 (O&M)

Date of Decision: 05.04.2024

REKHA

...Petitioner

V/S

UT CHANDIGARH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vinay Kumar Behra, Advocate
for the petitioner.

Mr. Manish Bansal, PP UT Chandigarh assisted by
ASI Yudhvir Singh.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 02 dated 08.01.2020 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Women Cell, Sector-17, Chandigarh along with all subsequent proceedings arising therefrom in view of the compromise dated 01.12.2020 (Annexure P-2).

2. The following order was passed on 16.12.2023:

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.2 dated 08.01.2020 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station Women Cell, Sector-17, Chandigarh, along with all subsequent proceedings arising therefrom, on the basis of a compromise dated 01.12.2020 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioner would contend that the petitioner is the sister-in-law of daughter of respondent No.2 and that the matter stands already compromise between Sunny Sharma (brother of the

petitioner) and Neha (daughter of respondent No.2) and on the basis of the said compromise a petition seeking quashing of the FIR has since been allowed vide order dated 27.09.2022 passed in CRM-M-29238-2021. Learned counsel would further contend that the parties i.e. brother of the petitioner and daughter of respondent No.2 have since obtained decree of divorce under Section 13-B of the Hindu Marriage Act, 1955.

*Learned counsel for the petitioner has relied upon the judgment by the Hon'ble Supreme Court rendered in "**Gian Singh Vs. State of Punjab & Anr.**" [2012 (10) SCC 303] and the Larger Bench's judgment of this Court in "**Kulwinder Singh & Ors. Vs. State of Punjab & Anr.**" [2007 (3) RCR (Criminal) 1052].*

Notice of motion. On the asking of the Court, Mr. Ankur Bali, PP UT Chandigarh, accepts notice on behalf of respondent No.1-UT. Let notice be issued to respondent No.2, returnable 05.04.2024."

3. Learned counsel for the petitioner *inter alia* contends that the dispute between the brother of the petitioner and his wife has been amicably resolved and both the parties have parted ways by obtaining a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act and he has relied upon the judgment passed by this Court in CRM-M-29238-2021 decided on 27.09.2022 titled as **Sunny Sharma Vs. State of U.T. Chandigarh and Others** (Annexure P-3). The aforementioned case was filed by the husband of the daughter of the complainant and on the basis of the compromise between the husband and wife, the FIR(supra) was quashed qua Sunny Sharma (husband). The present petition has been filed by the sister of Sunny Sharma (husband) and the learned counsel for the petitioner submits that in view of the order passed by this Court in **Sunny Sharma (supra)**, the present petition shall be allowed and the FIR(supra) may be quashed qua the petitioner also.

4. Mr. Manish Bansal, Ld. PP UT Chandigarh appears and on instructions from ASI Yudhvir Singh, affirms the fact that FIR(supra) has been quashed qua Sunny Sharma on the basis on the compromise, with his wife. The complainant present in the Court along with his daughter, who have been duly identified by ASI Yudhvir Singh, also affirm the factum of compromise and submit that they have no objection, in case the FIR(supra) is quahsed qua the petitioner.

5. In view of the above, the present petition is allowed and FIR No. 02 dated 08.01.2020 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Women Cell, Sector-17, Chandigarh and all subsequent proceedings arising out of the same are hereby quashed, qua the petitioner.

05.04.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

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