



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

228-A

FAO-3592-2025 (O&M)

Date of decision: 27.10.2025

Rasleen Kaur

...Appellant

Versus

Gurpreet Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Ashwani Gaur, Advocate, for the appellant
along with the appellant.

Mr. D. K. Tuteja, Advocate, for the respondent
along with the respondent.

HARSIMRAN SINGH SETHI, J. (Oral)

1. On the last date of hearing, the following order was passed:

“In the present appeal, the challenge is to the decree dated 29.01.2025 passed by the Additional Principal Judge (Family Court), Rohtak, by which, the degree of divorce on a petition filed by the respondent has been granted against the appellant herein.

Though, number of hearings have taken place but, with the intervention of the counsels for the respective parties, the parties have settled their dispute amicably. As per the learned counsel for the parties, upon getting instructions from their respective clients, who are also present in the Court, submits that the decree awarded by the Additional Principal Judge (Family Court), Rohtak, dated 29.01.2025 be set aside and the allegations mentioned therein against the appellant at the hands of the respondent be treated as withdrawn.

Learned counsels for the parties further submit that the decree of divorce be granted under Section 13-B of the Hindu Marriage Act, 1955 by mutual consent. It is submitted that the



parties have agreed that all the litigations, irrespect whether Civil or Criminal or under the Protection of Women from Domestic Violence Act, 2005 filed by either of the parties against the respondent or the appellant or their respective family members or the relatives, will be withdrawn unconditionally at the first available chance.

Learned counsels for the respective parties further submit that, as a one time settlement, a sum of Rs.22,00,000/- will be given by the respondent to the appellant and the said amount will be paid by 27.10.2025.

Learned counsel for the appellant, at this stage, submits that in order to clear the arrears of maintenance, certain drafts had earlier been given to the appellant which could not be encashed. The said amount of the drafts also be paid by the respondent to the appellant.

Learned counsel appearing on behalf of the respondent, on instructions from the respondent, submits that whatever drafts earlier were given to the appellant which remain unencashed, shall be renewed/re-validated and will be given to the appellant, which amount will be over and above the sum of Rs.22,00,000/- that has already been settled between the parties.

Though, the prayer in the present appeal before this Court is for setting aside the decree granted in favour of the respondent, it has now been agreed between the parties that the same be set aside keeping in view the compromise entered between the parties, by exercise of power with this Court, as both the parties have been living separately for the last 6 years, a decree of divorce by mutual consent under section 13-B of the Hindu Marriage Act, 1955, be also granted so that the parties can live their respective lives, let an appropriate application be made by the adjourned date so that the said prayer can be considered by the Court so as to pass appropriate order.



It is further clarified that on the request of learned counsel for the parties, the FIR No.30 dated 19.02.2025 registered under Sections 323, 342 and 506 IPC at Police Station Arya Nagar, Rohtak, which was lodged by the respondent-husband, against which CRM-M-40662-2025 has been filed by the appellant. The husband-Gurpreet Singh shall make a statement that he has no objection to the quashing of FIR No.30 dated 19.02.2025, details of which have been given hereinabove, as per the compromise.

Though, the said CRM-M-40662-2025 has been filed for quashing of the FIR No.30, as detailed above, on merits, but the learned Single Judge is requested to exercise the jurisdiction to quash the same on the basis of the compromise, as the parties have undertaken that the required affidavit for the same will be filed in the said CRM-M-40662-2025 for the consideration of the learned Single Judge.

At the instance of the appellant, FIR No.297 of 2023, under Sections 406 and 498-A IPC, registered at Police Station Tilak Nagar, Delhi, was registered, has already been decided and the respondent has been discharged, the learned counsel for the appellant submits that no further action will be undertaken by the appellant qua the said discharge.

With regard to the Protection of Women from Domestic Violence Act, 2005 case filed by the appellant pending in Tis Hazari Court, New Delhi, the parties have agreed that on the next date of hearing, the same will be withdrawn by the appellant.

With regard to FAO-3142-2025, the same will also be taken up on 27.10.2025 and as in the said appeal, the challenge is to grant of maintenance by the Family Court, Rohtak, the same will not be pursued any further by the revision petitioner and respondent-husband herein, keeping in view the agreement, which have already been read between the parties.



As this Court has heard the parties at length, the present appeal be treated as part heard.

Adjourned to 27.10.2025.

Let the parties file appropriate pleadings for converting the present appeal into a petition under Section 13-B of the Hindu Marriage Act, 1955 for the grant of divorce by mutual consent so that the same be taken up for hearing on the said date.”

2. Today, the parties have presented a joint petition seeking divorce by converting the present proceedings into Section 13-B of the Hindu Marriage Act, 1955 (hereinafter referred to as ‘HMA, 1955’). The petition received is taken on record. The Registry is directed to number the same accordingly. Though, the case could have been adjourned to enable the parties to file the mutual divorce petition before the Registry but as both the parties are from outstation, in order to avoid any further inconvenience to the parties, on the joint request of the respective parties steps are being taken to take on record the joint petition for divorce as agreed between the parties filed under Section 13-B of the HMA, 1955.

3. Both the parties are present in Court. Appellant Rasleen Kaur who is present in Court submits that parties have mutually agreed to dissolve the marriage so as to lead a peaceful life away from the controversy and allegations which were being alleged upon one another. She further submits that the decision to dissolve the marriage mutually is taken by her without there being any coercion and requests that the said joint petition be accepted and the mutual divorce be granted under Section 13-B of the 1955 Act keeping in view that she is living away from the matrimonial house for the last 6 years. She further submits that keeping in view the irreconcilable temperamental differences between her and



respondent, it will not be in the interest of either of the parties to continue with the present marriage and rather than making allegation against one and another, they have decided to part ways amicably on mutually agreed terms and conditions which have been made a part of the petition filed under Section 13-B of HMA, 1955 and she will abide by all the terms and conditions stipulated including withdrawal of the pending litigations including case filed under Protection of Women from Domestic Violence Act, 2005 which is presently pending in Tis Hazari Court, New Delhi and stands listed for 10.11.2025 and the same will be withdrawn on the said date itself by giving due statement to the learned Presiding Officer.

4. The respondent-Gurpreet Singh, who is also present in Court submits that the allegations which have been alleged against the appellant on behalf of respondent be treated as withdrawn for all intents and purposes and the decree of divorce which was granted on the basis of cruelty by the Family Court dated 29.01.2025 which was based upon such allegations, be recalled/set aside by this Court. The learned counsel appearing on behalf of respondent, on instructions from the respondent submits that they have decided to dissolve the marriage with mutual consent under Section 13-B of the 1955 Act, without any coercion and he will abide by the terms and conditions of the divorce petition filed under Section 13-B of HMA, 1955.

5. Learned counsel for the respondent submits that the FIR which has been registered against the brother of the appellant at the instance of respondent-Gurpreet Singh, for which a petition has already been filed for quashing of the same and is now listed for 30.10.2025 before this Court, appropriate statement will be given so that the same be quashed keeping in view the mutual settlement between the parties.



6. We have heard learned counsel for the parties in the presence of the parties.

7. Both the parties have submitted an application for treating the present appeal as a petition under Section 13-B of the HMA, 1955, so as to dissolve the marriage mutually. Further, the respondent has given the statement that the allegations on the basis of which the divorce petition filed by him was allowed and divorce decree was granted on 29.01.2025, be treated as withdrawn. Hence, keeping in view the statement of the respondent Gurpreet Singh given in Court, the decree passed on the basis of such allegations dated 29.01.2025, which has been impugned in the present appeal, is accordingly set aside. It is recorded that for all intents and purposes divorce decree dated 29.01.2025 stand expunged and be treated as nullity including the allegations mentioned therein against the appellant.

8. Further the parties have submitted a joint petition under Section 13-B of the HMA, 1955 for mutually dissolving the marriage on the terms and conditions mentioned in the petition. Both the parties have given the statement before this Court that they have decided to end their marriage mutually without any coercion and to live a happy and peaceful life beyond the allegations against each other and will not initiate any fresh proceedings henceforth against each other or their family members/relatives as the case may be. The parties have further decided to withdraw all the pending matters, including the case filed under the Protection of Women from Domestic Violence Act, 2005 at the instance of Rasleen Kaur pending before Tis Hazari Court, New Delhi, which is now listed for 10.11.2025. The respondent-Gurpreet Singh has also agreed to get the FIR quashed which has been registered against the brother of



Rasleen Kaur for which a quashing petition has already been filed before this Court which is now listed for 30.10.2025 and due statement will be given before the said Court to quash the same on the basis of the compromise entered between the parties.

9. Keeping in view the totality of the circumstances as the parties are already living separately for the last 6 years and keeping in view the various allegations levelled against each other, though the same have already been withdrawn, the parties have decided to end their marriage mutually, the statutory period of six months specified in Section 13-B(2) in addition to the statutory period of one year under Section 13-B (1) of separation of parties has already been completed as the parties are living separately since last six years. The cooling off period contemplated under Section 13-B of HMA, 1955 is to give an opportunity to the parties to reconcile and reconsider their decision to mutually dissolve their marriage but in the present case, the litigation and separation between the parties for the last six years is good enough to hold that the parties will not be able to live with each other.

10. Further the parties have to move forward in their life keeping in view the fact that both are relatively young and keeping in view settled principle of law that wherever it is necessary to waive off the cooling off period, the same should be done in the interest of justice and in the interest of the respective parties as the waiting period of six months is not mandatory and can be waived off in certain circumstances, hence, the said cooling off period of 6 months is waived off in the facts and circumstances of the present case as the waiting period will only prolong their agony.



11. Keeping in view the totality of the circumstances, the petition filed by the parties under Section 13-B of the HMA, 1955 as well as the application for waiving off the 6 months waiting/statutory period envisaged under Section 13-B of the HMA, 1955 stands allowed and the marriage between the parties is hereby dissolved with mutual consent on the terms and conditions mentioned in the joint petition, as both the individuals are at a stage in life where they may, if afforded an opportunity, begin afresh. To compel them to remain bound by a subsisting legal tie would, in effect, deprive them of the chance to lead a meaningful and fulfilling life.

12. It is made clear that both the parties will abide by the respective undertaking given in the application for which due affidavits have been filed. Resiling from the same, will not only invite harsh proceedings but will also invite the contempt proceedings for misleading the Court. Further, liberty is given to either of the parties to file an application to revive the present appeal in case any of the parties feels that the other party has not adhered to the terms and conditions of the mutual divorce as agreed between them.

13. The decree sheet be drawn accordingly.

14. Further, at this stage the appellant has received a draft of Rs.22 Lakhs bearing No.005332 dated 17.10.2025 as agreed between the parties as full and final settlement. Apart from this, the unencashed draft given to the appellant amounting to Rs.71,000/- has been given to the respondent in Court today to be revalidated. The revalidated draft of the same amount will be given to the appellant by the respondent on 30.10.2025 when the hearing of the quashing petition is fixed before this court.



15. Parties are directed to live their independent life for their welfare rather than indulging in character assassination of each other henceforth on any of the platform including social media which will be not only in their own interest but in the interest of their respective family as well.

(HARSIMRAN SINGH SETHI)
JUDGE

October 27, 2025
anil

(VIKAS SURI)
JUDGE

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