
(2007) 11 P&H CK 0058
In the Punjab And Haryana At Chandigarh

Anshul Singh and Others	Vs	APPELLANT
State of Haryana and Others		RESPONDENT

Date of Decision : 17-11-2007

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 406

Citation : (2008) 1 DMC 615 : (2008) 1 RCR(Criminal) 356

Hon'ble Judges : Surya Kant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Surya Kant, J.—The prayer in this petition u/s 482, Cr.P.C. is for quashing of FIR No. 364 dated 9.8.2005, under Sections 406/ 498A/354, IPC, registered at Police Station, Sector 5, Panchkula and all the subsequent proceedings arising therefrom.

2. It is stated that petitioner No. 1-Anshul Singh son of Lt. Colonel Surjit Singh and respondent No. 4-Sukhdeep Kaur daughter of late Shri Satnam Singh have not been able to pull on together after their marriage on 8.5.2005 due to temperamental differences. They are living separately since 14.6.2005. It is further stated that now with the intervention of the respectables, the parties have resolved their unfortunate matrimonial dispute vide compromise deed dated 12.4.2007 (Annexure P2).

3. In terms of the said compromise, they have decided to part ways and obtain a decree of divorce by mutual consent for which a joint petition u/s 13B of the Hindu Marriage Act, has already been filed, which is pending. Respondent No. 4 has been paid full and final amount towards permanent alimony and/or any other claims. Respondent No. 4 has separately deposed on oath and in her deposition she has supported the prayer made in this petition.

4. In view of the aforementioned stand taken by the parties and having regard to

the principles laid down by the Apex Court in the case of B.S. Joshi and Ors. v. State of Haryana and Anr. II (2003) CCR 57 (SC) : 1 (2003) DMC 524 : 2003 (2) RCR (Cri.) 888 and a five Judges Bench of this Court in the case of Kulwinder Singh and Ors. v. State of Punjab and Anr. 4 (2007) CCR 280 : 2007 (3) RCR (Cri) 1052, this petition is allowed and the FIR No. 364 dated 9.8.2005, under Sections 406/498-A/354, IPC, registered at Police Station, Sector 5, Panchkula and all the subsequent proceedings arising therefrom are hereby quashed.