
(2013) 07 P&H CK 0749

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M 39848 of 2012

Gurbachan Singh and Others

APPELLANT

Vs

State of Punjab and Other

RESPONDENT

Date of Decision : 23-07-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Hindu Marriage Act, 1955 — Section 13B
Penal Code, 1860 (IPC) — Section 406, 498A

Citation : (2013) 07 P&H CK 0749

Hon'ble Judges : Rekha Mittal, J

Bench : Single Bench

Advocate : S.S. Sidhu, for the Appellant; Amarinder Singh Klar, AAG, Punjab, Mr. A.D.S. Jattana, Advocate for Respondent No. 2 and Mr. Parminder Singh -I, Advocate, for the Respondent

Final Decision : Allowed

Judgement

Rekha Mittal, J.—Through the present petition filed u/s 482 Cr.P.C., the petitioners have prayed for quashing of FIR No. 04 dated 24.03.2012 under Sections 498-A, 406 IPC, registered at P.S. Women Cell, District Bathinda and proceedings emanating therefrom, on the basis of compromise dated 11.12.2012 (Annexure P-2), arrived at between the parties. In the instant case, the matrimonial dispute between the parties, led to filing of present FIR. Now, the matter has been amicably settled between the parties, vide compromise deed dated 24.04.2012 (Annexure P4).

2. Complainant-Seema wife of Shri Ravinder Singh is present in Court along with her counsel. An extract from her statement recorded in the Court is quoted thus:-

I was married to Ravinder Singh on 14.02.2010. Because of marital differences, I got lodged FIR No. 04 dated 24.03.2012 under Sections 498-A, 406 IPC at Police Station Women Cell, District Bathinda against Gurbachan Singh and Amarjit Kaur, grand in-laws parents (Petitioners No. 1 and 2) and Satpal Singh (Petitioner No.

3). Now, the matter has been compromised between the parties, vide compromise deed dated 24.04.2012 (Annexure P4), placed on record. My affidavit tendered, in Court today, be read as part of my statement. I have no objection if the petition filed by Gurbachan Singh and others is allowed and FIR No. 04 dated 24.03.2012 under Sections 498-A, 406 IPC, registered at Police Station Women Cell, District Bathinda and proceedings emanating therefrom, are quashed. Out of total settled amount as per compromise, I have already received Rs. 15,00,000/- and remaining amount of Rs. 15,00,000/- would be payable during proceedings, to be initiated for dissolution of marriage u/s 13-B of the Hindu Marriage Act, 1955.

3. To this effect, she has also filed her affidavit in Court today.

4. Counsel for the petitioners submits that as the parties have amicably settled their differences by way of compromise, no useful purpose would be served by continuation of the criminal proceedings.

5. Counsel for the State of Punjab has not disputed correctness of the contention of the petitioners that the parties have arrived at an amicable settlement.

6. I have heard counsel for the parties and perused the records.

7. Indisputably, the parties voluntarily, without any coercion, misrepresentation and undue influence, have entered into a compromise and the complainant has decided not to proceed with the matter any further in the interest of their peaceful living and harmony.

8. Keeping in view the authoritative enunciation of law laid down by this Court in Kulwinder Singh and Others Vs. State of Punjab and Another, and Hon''ble the Supreme Court in Madan Mohan Abbot Vs. State of Punjab, and Gian Singh Vs. State of Punjab and Another, and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would tantamount to abuse of process of law and it is expedient in the interest of justice that criminal case is put to an end. In this view of the matter, the petition is allowed and FIR No. 04 dated 24.03.2012 under Sections 498-A, 406 IPC, registered at P.S. Women Cell, District Bathinda and proceedings emanating therefrom stand quashed.