
(2011) 05 P&H CK 0089

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-14680 of 2011

Gurjot Singh and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 26-05-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Hindu Marriage Act, 1955 — Section 13B
Penal Code, 1860 (IPC) — Section 120B, 323, 406, 498A, 506

Citation : (2011) 05 P&H CK 0089

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.—The present petition has been filed u/s 482 Code of Criminal Procedure seeking quashing of FIR No. 235 dated 8.7.2010, registered at Police Station Sector 5, Panchkula, under Sections 406, 498-A, 506, 323 and 120-B IPC on the basis of compromise (Annexure P2).

2. It is a case of matrimonial dispute. The impugned FIR was lodged on the statement made by Respondent No. 3 Harpreet Kaur. It was stated therein that she was married with Petitioner No. 1 Gurjot Singh on 9.7.2007 at Sarabha Nagar, Ludhiana, according to Sikh Rites. He was employed as a Doctor with Employees' State Insurance Hospital. From the wedlock, a daughter named Harnoor Kaur was born.

3. It was further stated in the FIR that Petitioner No. 1 Gurjot Singh and his parents have harassed and maltreated the complainant and have also inflicted cruelty upon her.

4. It is canvassed before me that due to intervention of the respectable and relations, a compromise (Annexure P2) has been arrived at between the parties. Petitioner No. 1 Gurjot Singh has agreed to pay a sum of Rs. 10,00,000 to his wife Harpreet Kaur, out of which a sum of Rs. 3,00,000 shall be kept in the Fixed Deposit Receipt in the name of daughter Harnoor Kaur. The interest, which will

accrue therefrom, shall be received by Respondent No. 3 Harpreet Kaur for future maintenance of the child and remaining amount of Rs. 7,00,000 shall be towards full and final settlement qua the claims of past, present and future alimony of Respondent No. 3 Harpreet Kaur istri dhan and the expenses incurred on the marriage.

5. Mr. Nachhatter Singh Bains, Advocate, appearing for the Petitioners and Mr. Surinder Pal, Advocate, appearing for Respondent No. 3 have submitted that out of Rs. 10,00,000, Rs. 4,00,000 have already been paid to Respondent No. 3 and the remaining amount of Rs. 6,00,000 shall be paid on or before the decree of divorce u/s 13-B of the Hindu Marriage Act, 1954 (hereinafter referred to as "the Act") by way of mutual consent is granted. It is stated that such a petition is pending adjudication in the Court of the District Judge, Panchkula and the next date fixed for recording statement of the parties is 5.11.2011.

6. Since the parties have decided to bury their differences and have made a prayer for quashing of the impugned FIR, this Court is of the view that no useful purpose will be served in continuation of the same and the subsequent proceedings arising therefrom.

7. It has been held by a Full Bench of this Court in Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007 (3) RCR (Cri) 1052 that if a compromise has been effected between the parties, the Court should quash the FIR, even if the offence is non-compoundable.

8. It has also been held by Hon''ble Apex Court in B.S. Joshi v. State of Haryana 2003 (2) RCR (Cri) 888 that if non-compoundable offence falls u/s 406, 498-A IPC, matter can be disposed of on the basis of compromise to promote peace, amity and cordial relations between the parties.

9. Taking into consideration the ratio of law laid down in Kulwinder Singh's and B.S. Joshi's cases (supra), present FIR, along with all subsequent proceedings, is quashed. However, in case the remaining amount of Rs. 6,00,000 is not paid on or before the grant of decree of divorce u/s 13-B of the Act to the complainant/ Respondent No. 3, she is granted liberty to revive the above said FIR.

The present petition stands disposed of.