
(2007) 08 P&H CK 0003
In the Punjab And Haryana At Chandigarh

Jasbir Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 01-08-2007

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Hindu Marriage Act, 1955 — Section 13B
Penal Code, 1860 (IPC) — Section 307, 406, 498A

Citation : (2007) 2 DMC 771 : (2009) 1 SLR 82

Hon'ble Judges : S.S. Saron, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.S. Saron, J.—This petition u/s 482, CrP.C. has been filed seeking quashing of FIR 200 dated 11.10.2004 (Annexure P1) registered at Police Station, Model Town, Ludhiana, for the offences under Sections 498A, 406 and 307, IPC. The quashing is sought on the basis of mutual consent/compromise deed dated 2.4.2007 (Annexure P2).

2. The marriage between Jasbir Singh (petitioner-1) and Smt. Harvinder Kaur (respondent-2) was solemnized on 18.11.2001 as per Sikh rites and ceremonies at Phagwara. Out of the wedlock, one male child namely Bismajit Singh was born on 29.12.2003. Matrimonial disputes arose between Jasbir Singh and Smt. Harvinder Kaur and FIR 200 dated 11.10.2004 (Annexure PI) was registered on the complaint of Harvinder Kaur (respondent-2). The Police investigated the case and filed challan for the offences under Sections 498A and 406, IPC. Challan for the offence u/s 307, IPC was not filed. The charge in the case was framed by the learned trial Magistrate on 9.3.2007 and now the case is pending trial for 9.8.2007 in the Court of Mr. AS Sullar, JMIC, Ludhiana. Now, with the intervention of respectables, a compromise has been arrived at between the parties which is recorded in the form of a compromise deed dated 2.4.2007.

3. Respondent-2 has received back all her dowry articles, Istridhan including

jewellery from the petitioners. An affidavit has been filed by Smt. Harvinder Kaur in Court today which is to the effect that the matter has been compromised and the petitioners have deposited the maintenance amount of Rs 14.00 lakh with the mediator. Out of this, half of the amount is to be paid to her on the quashing of the present FIR and the remaining half at the time of decree for divorce. Respondent-2 is present in Court. She has been identified by her Counsel. The learned Counsel, on instructions from respondent-2, has submitted that half the amount has been received and the remaining half amount would be received at the time of passing the decree for divorce which is pending. It is also stated that respondent-2 has no objection to the quashing of the FIR and that she has not been under any kind of pressure or undue influence for quashing the FIR.

4. In view of the settlement that has been arrived at between the parties, it is stated by learned Counsel for the petitioners and respondent-2 that the FIR may be quashed. Learned Counsel for the State submits that in view of the fact that the matrimonial dispute has been amicably settled between the parties, the State would have no objection to the quashing of the FIR in view of the law laid down by the Supreme Court in *B.S. Joshi v. State of Haryana I* (2003) DMC 524 (SC) : 11 (2003) CCR 57 (SC) : 2003 SCC 848.

5. I have given my thoughtful consideration to the contentions of the learned Counsel for the parties.

The Supreme Court in *B.S. Joshi's* case (supra) has held that the inherent jurisdiction of this Court u/s 482, Cr.P.C. can be exercised to quash the proceedings in respect of the offences relating to matrimonial disputes even though they are not compoundable and that Section 320, Cr.P.C. would not be a bar to quash such proceedings. Rather it was emphasized and stressed that it is the duty of the Court to encourage genuine settlement of matrimonial disputes.

6. In the present case, the matrimonial dispute between the parties has indeed been settled. A compromise deed dated 2.4.2007 (Annexure P2) has been entered into between the parties. A petition seeking dissolution of the marriage by mutual consent in terms of Section 13B of the Hindu Marriage Act, 1955 is pending before the District Court at Ludhiana. Both the parties have agreed to dissolve their marriage by a decree for divorce by mutual consent. Respondent-2 has also filed an affidavit that the matter has been compromised and the petitioners have deposited Rs. 14.00 lakh only as maintenance with the mediator. She has received half of the amount in terms of the compromise and the balance half amount is to be received at the time of passing the decree for divorce by mutual consent.

7. In the afore noticed circumstances, the parties having settled their dispute, it would be just and expedient to allow them to part ways amicably by quashing the impugned FIR so that quietus can be put to the matter.

8. Accordingly, the criminal misc petition is allowed and the case FIR 200 dated 11.10.2004 (Annexure P 1) registered at Police Station, Model Town, Ludhiana in

respect of the offences under Sections 307, 498A and 406, IPC and all subsequent and consequential proceedings in pursuance thereof shall stand quashed.