
(1993) 03 P&H CK 0035

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous A. No. 9086-M of 1992

Kuljeet Singh

APPELLANT

Vs

State of Haryana and ors.

RESPONDENT

Date of Decision : 11-03-1993

Acts Referred:

Citation : (1993) 2 CurLJ 54 : (1993) 3 RCR(Criminal) 119

Hon'ble Judges : Harmohinder Kaur Sandhu, J

Advocate : Hukam Singh, Advocates for appearing Parties

Judgement

Harmohinder Kaur Sandhu, J.

1. Marriage of Pushpa Rani, respondent No. 2 was solemnized with Kuljeet Singh, Petitioner on 731984 at village Kheri Sahidan, Tehsil Thanesar, District Kurukshetra, according to Hindu rites. After the solemnisation of marriage, the petitioner and respondent No. 3 lived together as husband and wife for some time but the parties resumed separate residence due to temperamental difference, in the year 1985. In September, 1987, Pushpa Rani filed a complaint against her husband Kuljeet Singh, her fatherinlaw Lachman Singh, the present petitioners and two brothers of petitioners No. 1, namely, Baljeet Singh and Surjit Singh and their wives Santosh and Urmila for offences under Sections 405, 406, 120B, 498A, 420/109 of the Indian Penal Code in the Court of Judicial Magistrate Ist class, Kurukshetra. This complaint was sent to the Station House Officer, Thanesar by the Trial Court under Section 156(3) of the Code of Criminal Procedure and on the basis of the same. FIR No. 157 dated 14101987 was registered. After the investigation, Baljit Singh, Surjit Singh and their wives were discharged but proceedings initiated against the petitioners. The petitioners have now filed this petition under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 157 dated 14101987 (annexure P2) and subsequent proceeding arising therefrom.

2. In the petition, it is alleged that marriage of Kuljeet Singh, Petitioner was dissolved by a decree of divorce on the basis of mutual consent by this Court in

FAO No. 76M of 1991. At that time statements of the parties were recorded and Pushpa Rani was paid Rs. 22,000/ in Court as alimony in full and final settlement of all her claims regarding maintenance and other criminal litigation pending between them. She also agreed to withdraw the criminal case registered at her instance and continuation of the proceedings in the case, after the matter was settled, clearly amounted to an abuse of the process of the Court.

3. Pushpa Rani has filed an affidavit affirming that a compromise had been affected and her marriage with Kuljeet Singh, petitioner stood dissolved by a decree of divorce by mutual consent. She had no grievance against the petitioners and had no objection if the FIR is quashed. Mehanta Ram, father of Pushpa Rani has also submitted as affidavit to the same effect.

4. A perusal of the order annexure P1 shows that the marriage of Kuljeet Singh with Pushpa Rani was dissolved by mutual consent. At the time when decree of divorce was passed, Pushpa Rani was paid a sum of Rs. 22,000/ by Kuljeet Singh, petitioner in the presence of her father, in lieu of permanent alimony and she agreed to withdraw the criminal proceedings pending against her husband and other under Sections 406 and 498A of the Indian Penal Code. The affidavits filed by Pushpa Rani and her father indicate the clear intention of respondent No. 2 not to pursue the case pending against the petitioners. Continuation of criminal proceedings in these circumstances against the petitioners is certainly an abuse of process of law. Since the matrimonial dispute and controversy regarding alimony were settled, it will be in the interest of justice that parties live peacefully. I, therefore, allow this Petition and quash FIR No. 157 dated 14101987 (annexure P2) and all subsequent proceeding arising therefrom.