

(2012) 01 P&H CK 0170

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-17524 of 2011 (O and M)

Rishi Pal and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 06-01-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173
Hindu Marriage Act, 1955 — Section 13
Penal Code, 1860 (IPC) — Section 323, 406, 406, 498A, 506

Citation : (2012) 01 P&H CK 0170

Hon'ble Judges : Ritu Bahri, J

Bench : Single Bench

Judgement

Ritu Bahri, J.—The petitioner has sought quashing of FIR No. 378 dated 16.8.2002 under Sections 498-A, 406, 506, 323 IPC registered at Police Station Div. No. 5, Ludhiana on the basis of compromise (Annexure P-3).

2. The petitioner No. 1-Rishi Pal was married to respondent No. 3-Neeru on 18.5.1998 as per Hindu rites. One daughter named Yashika was born out of this wedlock who is in the custody of her mother. Due to misunderstanding the couple could not pull along and separated. The aforesaid FIR was registered against the petitioners on the complaint of respondent No. 3-Neeru. Challan u/s 173 Cr.P.C. was presented in the Court of ACJM, Ludhiana. During the pendency of trial, petition u/s 13 of the Hindu Marriage Act for dissolution of marriage by decree of divorce was filed and an ex-parte divorce was granted on 19.11.2011. Appeal against this order was filed by respondent No. 3-Neeru which is pending.

3. With the intervention of the respectables, a compromise (Annexure P3) was effected between the parties. Respondent No. 3 has received a lumpsum payment for past, present and future maintenance of herself and her daughter and the parties are agree to withdraw the cases pending against each other. The compromise has been effected without any pressure or coercion. Respondent No. 3 has no objection if the FIR in the said case is quashed. The ex-parte divorce

decree granted on 19.1.2001 shall be binding on both the parties. Respondent No. 3 undertakes to withdraw the appeal filed in this Court. An affidavit of respondent No. 3 is Annexure P2.

4. Respondent No. 3-Neeru is present in Court and has been identified by HC Sikander Singh who is also present in Court.

5. After going through the case, this Court is of the view that the compromise arrived at between the parties is genuine and no useful purpose would be served by lingering on in this FIR.

6. Hon"ble the Supreme Court in the case of Dr. Arvind Barsaul etc. versus State of Madhya Pradesh and another 2008(2) RCR (Criminal) 910 has examined a case where quashing was sought of an FIR u/s 498-A IPC being non-compoundable. The Hon"ble Supreme Court has held that :-

Learned counsel for the parties submitted that the parties have settled their differences. It was submitted on behalf of the complainant Smt. Sadhna Madnawat that she is not interested in prosecuting the appellants. It may be pertinent to mention that the parties hail from cultured and educated families. It was also submitted that the appellant's parents are suffering from multiple ailments because of advanced age. The appellant's father is a retired Professor and Dean, Veterinary College, Mathura and he had undergone transplant of his kidney and the appellant's mother is suffering from multiple ailments and is virtually bed-ridden.

7. Consequently, in view of the judgment of the Hon"ble Supreme Court in the case of Dr. Arvind Barsaul etc. versus State of Madhya Pradesh and another (supra), FIR No. 378 dated 16.8.2002 under Sections 498-A, 406, 506, 323 IPC registered at Police Station Div. No.5, Ludhiana on the basis of compromise (Annexure P-3) is quashed with all consequential proceedings arising therefrom qua petitioners.

8. The petition stands disposed of.