

(2009) 04 P&H CK 0368

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-6562 of 2009

Tejinder Kaur @ Harmanpreet Kaur and others

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 16-04-2009

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B

Citation : (2010) 1 RCR(Criminal) 407

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Advocate : S.S. Sodhi, for the Petitioners No. 2 to 6 Mr. R.S. Dhaliwal, for the Appellant; Mehardeep Singh, AAG, Punjab, for the Respondent

Judgement

Kanwaljit Singh Ahluwalia, J.—A joint petition has been filed by the petitioners u/s 482 Cr.P.C. seeking quashing of case FIR No. 6 dated 14.1.2005 registered at Police Station Bhikhi, District Mansa under Sections 498-A, 406, 506, 120-B IPC on the basis of compromise.

2. Harminder Singh petitioner No. 2 was married with Tejinder Kaur @ Harmanpreet Kaur petitioner No. 1 on 7.12.2002 according to Sikh rites. It is stated that matrimonial relations between the parties became strained which led Tejinder Kaur @ Harmanpreet Kaur to lodge case FIR No. 6 dated 14.1.2005. In the FIR, it was stated that she was harassed and ill-treated by her husband Harminder Singh, her father-in-law Balbir Singh, mother-in-law Amarjit Kaur and sisters of her husband Nirmal Kaur @ Nimmi and Akvinder Kaur @ Akki. It is further stated that on account of demand of dowry, she was ill-treated, harassed and subjected to cruelty. In the present case, a compromise was arrived between the parties which is attached as Annexure P2 with the present petition. A perusal of Annexure P-2 reveal that Rs. 4 lacs have been paid to aggrieved wife Tejinder Kaur @ Harmanpreet Kaur and Rs. 17,000/- towards maintenance awarded u/s 125 Cr.P.C. It is stated in the compromise that though the maintenance awarded

was Rs. 34,000/- but the same has been settled for Rs. 17,000/-.

3. Estranged wife Tejinder Kaur @ Harmanpreet Kaur has been identified by Mr. S.S. Sodhi, Advocate and HC Maghar Singh who is present in Court to assist Mr. Mehardeep Singh, counsel for the State. It is also agreed that parties shall file a petition u/s 13-B of the Hindu Marriage Act for dissolution of marriage by way of mutual consent. Tejinder Kaur @ Harmanpreet Kaur is present in Court along with her maternal uncle Harbhajan Singh. It has been stated by them that present FIR along with all subsequent proceedings be quashed in order to facilitate the parties to file a petition for dissolution of marriage by mutual consent.

4. It has been held by the Hon''ble Apex Court in B.S. Joshi v. State of Haryana, 2003 (2) RCR Cri 888 and a Full Bench judgment of this Court in Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Cri.) 1052 that if a matrimonial dispute has been resolved, no useful purpose would be served by continuing with the criminal proceedings. Taking into consideration the ratio of law in B.S. Joshi's case (supra) and Kulwinder Singh's case (supra), the impugned FIR along with all subsequent proceedings is quashed.

Petition stands disposed off.