

**Sukhdev Singh and Others Vs. State of Haryana and Another**

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**Court :** Punjab and Haryana

**Decided On :** Jul-21-2014

**Appellant :** Sukhdev Singh and Others

**Respondent :** State of Haryana and Another

**Judgement :**

229 CRM-M-37992 of 2013 - 1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRM-M-37992 of 2013 Date of Decision: 21.07.2014 Sukhdev Singh and others .....Petitioners Versus State of Haryana and another ...Respondents CORAM: HON'BLE Mr.JUSTICE S.S.SARON HON'BLE Ms.JUSTICE NAVITA SINGH -.- Present: Mr.R.S.Mamli, Advocate for petitioner No.1 with Sukhdev Singh-petitioner No.1 in person.

Mr.H.S.Sran, AAG, Haryana, Mr.G.S.Sandhu, Advocate, for respondent No.2.

\*\*\*\*\* S.S.SARON, J.

The petition has been filed by Sukhdev Singh and others seeking quashing of FIR No.315, dated 04.09.2013 (Annexure P-1) registered at Police Station, Butana, District Karnal for the offences punishable under Sections 494, 420, 506 and 120-B IPC.

The marriage between Sukhdev Singh (Petitioner No.1) and Paramjeet Kaur (Respondent No.2) was solemnized by way of Anand Karaj ceremony at Nikoheri on 03.12.1997.

From the marriage, they had two children namely Simranjot Kaur and Gurumor Singh.

The relations between the parties became strained and they had been residing separately.

The impugned Gaurav Bhardwaj 2014.08.06 14:37 I attest to the accuracy and integrity of this document High Court, Chandigarh 229 CRM-M-37992 of 2013 - 2-FIR (Annexure P-1) was lodged by Paramjeet Kaur (Respondent No.2) inter-alia on the allegations that Sukhdev Singh (Petitioner No.1) had solemnized a second marriage with Nancy Batra.

Sukhdev Singh (Petitioner No.1) also filed a petition under Section 13 of the Hindu Marriage Act, 1955 seeking dissolution of the marriage between them by a decree of divorce.

The said petition was dismissed by the learned Additional District Judge, Karnal on 01.08.2013.

Aggrieved against the same, Sukhdev Singh (Petitioner No.1) filed FAO No.M-338 of 2013 in this Court.

During the pendency of the appeal, a compromise has been reached at in the Mediation and Conciliation Centre on 08.11.2013.

In terms of the compromise, it has inter-alia been agreed that Paramjeet Kaur (Respondent No.2) shall withdraw all the cases including the present FIR No.315, dated 04.09.2013 (Annexure P-1) registered at Police Station, Butana.

Sukhdev Singh (Petitioner No.1) was to pay a sum of `30,00,000/- to Paramjeet Kaur (Respondent No.2). Paramjeet Kaur (Respondent No.2) also consented to make a statement for grant of divorce by way of mutual consent.

A joint petition (CM No.25259-CII of 2013 in FAO No.M-338 of 2013) for divorce by mutual consent has been filed.

The statements of both the parties were recorded at the first motion in the joint petition for divorce (CM No.25259-CII of 2013 in FAO No.M-338 of 2013) on 13.12.2013.

Their statements have been recorded at the second motion in Court today.

In consequence of the compromise entered into in the Mediation and Conciliation Centre, the present petition seeking quashing of FIR No.315 dated 04.09.2013 (Annexure P-1) registered at Police Station, Butana has been filed.

Gaurav Bhardwaj 2014.08.06 14:37 I attest to the accuracy and integrity of this document High Court, Chandigarh 229 CRM-M-37992 of 2013 - 3- Paramjeet Kaur (Respondent No.2) in her statement recorded in the joint petition for divorce by mutual consent has reiterated that she has no objection if FIR in the present case is quashed and divorce by mutual consent is granted as the matrimonial dispute has been amicably settled.

Mr.H.S.Sran, Additional Advocate General, Haryana appearing for the State submits that he has no objection to the quashing of FIR (Annexure P-1) in view of the judgment of the Supreme Court in B.S.Joshi and others v.

State of Haryana and another, (2003) 4 SCC 675 Learned counsel appearing for petitioner No.1-Sukhdev Singh and also for respondent No.2-Paramjeet Kaur pray that in view of the compromise entered into between the parties on 08.11.2013 and Paramjeet Kaur (Respondent No.2) having received the amount as settled in terms of the compromise dated 08.11.2013, the FIR (Annexure P-1) may be quashed.

We have given our thoughtful consideration to the matter.

The present FIR had been lodged as an outcome of the matrimonial disputes between the parties.

The Supreme Court in B.S.Joshi and others v.

State of Haryana and another (supra) has held that when matrimonial disputes are settled between the parties and both sides approach the High Court and jointly

pray for quashing the criminal proceedings or FIR or complaint filed by the wife under Sections 498-A and 406 Indian Penal Code, the High Court in exercise of its inherent powers can quash the criminal proceedings or FIR or complaint and Section 320 of the Code of Criminal Procedure does not limit or affect the power Gaurav Bhardwaj 2014.08.06 14:37 I attest to the accuracy and integrity of this document High Court,Chandigarh 229 CRM-M-37992 of 2013 - 4- under Section 482 of the said Code.

In the present case, the matrimonial disputes having been amicably settled between the parties, it would be just and expedient to quash the FIR.

In the aforesaid facts and circumstances, the criminal miscellaneous application is allowed and FIR No.315, dated 04.09.2013 (Annexure P-1) for the offences punishable under Sections 494, 420, 506 and 120-B Indian Penal Code and all subsequent and consequential proceedings in pursuance thereof shall stand quashed.

(S.S.SARON) JUDGE (NAVITA SINGH) JUDGE2107.2014 G.

Bhardwaj Gaurav Bhardwaj 2014.08.06 14:37 I attest to the accuracy and integrity of this document High Court,Chandigarh

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