

(1992) 11 P&H CK 0009

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous Appeal No. 8354-M of 1992

Satnam Singh and Others

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Nov. 13, 1992

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 406, 498A

Citation: (1993) 1 DMC 124

Hon'ble Judges: G.S. Chahal, J

Bench: Single Bench

Advocate: M.L. Merchea, for the Appellant; P.V. Santoshi, for the Respondent

Final Decision: Allowed

Judgement

G.S. Chahal, J.

Satnam Singh along with his two sons-Manjit Singh, Jit Singh and his wife Smt. Sheela Rani, have come up in this petition u/s 482 of the Code of Criminal Procedure, for quashing of FIR No, 88 dated 6th July. 1992, registered at Police Station Division No. 2, Ludhiana, for offences Under Sections 496/498A of the Indian Penal Code, Annexure P. 1.

2. The impugned FIR was got registered by Altar Singh. father of Satinder Kaur. According to the averments made in the FIR, Satinder Kaur was married to Manjit Singh son of Satnam Singh, on 22nd January, 1989. Some of the demands made at the time of the marriage were met under duress. Soon after the marriage, husband of Satinder Kaur started taunting her about insufficiency of dowry, and his parents and brother also joined in making these remarks. Sheela Devi had been using filthy language towards Satinder Kaur and even hurled abuses to her and her parenta. Satinder Kaur was also subjected to physical torture and in the second week of March. 1989, Sheela Rani and Satnam Singh made demand for Rs. 50,000/- and

asked Satinder Kaur to get that money from her parents. When she showed her helplessness both of them hurled abuses and Manjit Singh and Jit Pal Singh gave her slaps. Satnam Singh and others also started administering drugs to Satinder Kaur and whenever she refused to take the medicines she was maltreated. She was ultimately turned out of the house in October, 1980. The articles of dowry given to Satinder Kaur at the time of marriage were retained by Satnam Singh and Smt. Sheela Rani and were not returned in spite of demands.

3. On the other hand, there had been other litigation between the parties. Manjit Singh had filed against Satinder Kaur a petition u/s 9 of the Hindu Marriage Act in the Court at Ropar. Ultimately, however, better sense appears to have prevailed upon Satinder Kaur and Manjit Singh and they executed an agreement Annexure P. 3 wherein they agreed to withdraw all the litigations which they had instituted against each other. Satinder Kaur was also paid lump sum in lieu of alimony and it was further agreed that the marriage shall be got dissolved by filing a petition for divorce. At the time of hearing of application for pre-arrest bail, Shri Rajwant Singh, Advocate, who represented the complainant, made a statement that a compromise had been effected between the parties and the complainant was no longer interested in pursuing the case.

4. Manjit Singh having filed a divorce petition, divorce was granted by the District Judge, Ropar, vide his judgment and decree dated 27th October, 1992.

5. All the disputes between the husband and the wife had thus ended in a compromise. Both husband and wife, have parted company on account of passing of a decree of divorce. The complainant is no longer interested in prosecuting the criminal case. Taking broad view of the facts, I allow this petition and quash the impugned FIR No. 88 dated 6-7-1992, Under Sections 406/498A of the Indian Penal Code, registered at Police Station Division No. 2, Ludhiana, and all consequent proceedings.