

(2002) 03 P&H CK 0094

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. 6140-M of 2001

Rupinder Singh

APPELLANT

Vs

Tarvinder Kaur

RESPONDENT

Date of Decision: March 11, 2002

Acts Referred:

- Hindu Marriage Act, 1955 - Section 13B
- Penal Code, 1860 (IPC) - Section 34

Citation: (2002) 3 CivCC 530 : (2002) 3 RCR(Civil) 464

Hon'ble Judges: Nirmal Singh, J

Bench: Single Bench

Advocate: Vikram Chaudhary, for the Appellant; Ashok Saini, for the Respondent No. 1, Mr. R.P.S. Athwal, D.A.G., Punjab, for the Respondent No. 2, for the Respondent

Final Decision: Allowed

Judgement

Nirmal Singh, J.

This order will dispose of Crl.M.No.6140-M of 2001 Rupinder Singh and another v. Tarvinder Kaur & Anr. Criminal Miscellaneous No.31517/M of 2001 - Smt. Ravinder Malhotra alias Ravinder Kaur v. Shri Rupinder Singh.

2. A joint petition filed by the parties u/s 13-B of the Hindu Marriage Act (for sort, ""the Act"" for grant of divorce by way of mutual consent (The registry will register the petition filed u/s 13-B of the Act on the original side).

3. The marriage between the parties was solemnised on 3.4.1994, at Amritsar according to Sikh rites and ceremonies and out of the wedlock no child was born as the marriage has not been consummated. The difference between the parties arose and the litigation between the parties started. At the instance of Ravinder Kaur, an FIR was registered against Rupinder Singh and his other family member u/s 406/498-A IPC. In the said case, Rupinder Singh and his family members have been acquitted. The other, round of litigation between the parties started at the instance

of Tarinder Kaur, mother of Rupinder Kaur alias Ravinder Malhotra. She filed a complaint in the Court of Judicial Magistrate First Class, Amritsar. Rupinder Singh and Tarvinder Singh were summoned, to face the trial under Sections 323/325/506 read with Section 34 IPC. Rupinder Singh also filed a complaint against Ravinder Malhotra alias Ravinder Kaur u/s 500 IPC in the Court of Judicial Magistrate First Class, Amritsar and she was summoned to face the trial. Now Rupinder Singh and Tarvinder Singh filed the petition for, quashing the complaint under Sections 323/325/506 read with Section 34 IPC where Ravinder Malhotra alias Ravinder Kaur filed the petition for quashing the complaint u/s 500 IPC and the consequent proceedings initiated on the complaint.

4. During the pendency of these petitions, the parties settled their dispute amicably. The petition came up for hearing on 18.2.2002 and Rupinder Singh made a statement that the marriage has not been consummated. Both the parties were present and they also made a statement that the parties have agreed to get divorce mutually by filing a joint petition. Rupinder Singh has also agreed to pay Rs.2.50 lacs plus 50% of the FDR amount which is in the joint name of the parties. Ravinder Malhotra has also agreed to accept the amount and to get divorce. Both the parties has also agreed to withdraw their civil and criminal litigation.

5. Today also both the parties are present in the Court. They have been identified by Mr. Vikram Chaudhary and Mr. Ashok Saini, Advocates. Ravinder Malhotra alias Ravinder Kaur also made a statement that she will withdraw all the pending litigation against Rupinder Singh and his family members. To the same effect is the statement of Rupinder Singh. He has stated that he has handed over a bank draft which is in the name of Ravinder Kaur bearing No. 179780 amounting to Rs.2,50,000/- drawn on Punjab & Sind Bank, Sharifpura, Amritsar as permanent alimony and Rs.28,000/- in cash as the 50% share of the FDR.

6. In both the complains, the offences in which the complaints have been filed are compoundable. So taking into consideration that the parties have settled their disputes amicably and it is in the interest of the parties and larger interests of the society if the parties are allowed to compound the offence. Therefore, the complainants filed by Tarvinder Kaur under Sections 323/325/506 read with Section 34 IPC and Rupinder Singh u/s 500 IPC are quashed. The parties have also filed a petition u/s 13B of the Act for mutual divorce with the prayer that six months period as required under sub-Section (2) of the Section 13-B of the Act may be waived.

7. The parties are litigating since 1994 as there is no change between the parties to reconcile at any stage. It is a broken marriage. Therefore, the period of six months is waived. Resultantly, the petition filed by the parties u/s 13-B of the Act is also accepted and the marriage between the parties is dissolved.