

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No. 40353 of 2013 (O&M)

Date of Decision: 03.09.2015.

Sanjay Kumar

..... Petitioner

Versus

State of Punjab and Others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Harpreet S. Rakhra, Advocate
for the petitioner.

Mr. Mikhil Kad, AAG, Punjab
for respondent No. 1-State alongwith ASI Gurdev Singh.

None for respondents No. 2 and 3.

JASWANT SINGH, J. (Oral)

Prayer on behalf of the petitioner/husband is for quashing the FIR No. 125, dated 26.06.2010, under Sections 406 and 498-A, IPC, registered with Police Station Adampur, Jalandhar and all subsequent proceedings arising thereto.

It is submitted that during the investigation, the petitioner had amicably settled the dispute with the complainant/wife-Sushma (respondent No. 3) and in view of the same, his prayer for anticipatory bail was allowed and made absolute vide order dated 22.08.2010, passed in CRM-M No. 19875 of 2012, titled as 'Sanjay Kumar Versus State of Punjab'. The operative portion of the same reads as under:-

“ If this is the situation, there is nothing to be investigated by the police by joining the petitioner in the

investigation. So, keeping in view the fact that the parties have reached a compromise and have already obtained a decree of divorce by mutual consent, I find the petitioner to be entitled to pre-arrest bail. Consequently, the petition is allowed and order dated 10.07.2012 granting interim anticipatory bail to the petitioner is made absolute. ”

It is also conveyed that challan only against the mother-in-law of the complainant was filed and after the trial, the same resulted into a judgment of acquittal dated 25.02.2012. On the previous date of hearing, this Court had directed the State to file latest status report. In compliance, affidavit dated 31.08.2015 has filed by Sh. Vivek S. Soni, Assistant Superintendent of Police, Adampur, District Jalandhar (Rural). The same is taken on record.

Perusal of the same reveals that no further proceedings have taken place against the petitioner. The factum of the compromise, decree of divorce by mutual consent and the acquittal of the mother-in-law is admitted.

Faced with this factual position, it is apparent that there is nothing more which requires to be investigated by the police. Therefore, learned State Counsel, on instructions from ASI Gurdev Singh, submits that in view of the aforesaid factual position, the police will file a cancellation report.

In view of the above, present petition stands disposed of as having been rendered infructuous.

September 03, 2015

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**(JASWANT SINGH)
JUDGE**