

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

Crl. Misc. No. M-932 of 2013

Date of decision: 16.02.2015

Surjit Singh and others

...Petitioners

versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. H.R. Nohria, Advocate,
for the petitioners.

Mr. Daljit Singh Virk, AAG, Punjab.

Mr. Vivek Goel, Advocate,
for respondent No.2.

RITU BAHRI, J.

Quashing of FIR No. 90 dated 03.12.2012, under Sections 452, 376, 498-A IPC, registered at Police Station Tappa, District Barnala (Annexure P-1), is sought on the basis of compromise effected between the parties.

The F.I.R was registered on the basis of statement made by Karamjit Kaur-respondent No.2 alleging that her marriage was solemnized with Surjit Singh-petitioner No.1. Out of this wedlock, two children were born. Her husband had two brothers. On 30.11.2012, there was a small dispute of the complainant with Baljit Kaur, wife of Harpal Singh-petitioner No.2 with regard to some cotton sticks and straw, which were set on fire. As per her allegations, Harpal Singh-petitioner No.2 came at her house when her husband-Surjit Singh was away and made an attempt to rape her. He also took away some gold ear rings with him. Thereafter, her husband-Surjit

Singh, mother-in-law Gurmail Kaur and sister-in-law (jethani) Baljit Kaur made a demand of dowry and an attempt was made to set her on fire. Consequently, the complainant called her brother, Hardev Singh, who came there along with Jagtar Singh and Ram Singh on the same day. On 02.12.2012 she was got admitted to Civil Hospital, Bathinda. In this background, the FIR was registered.

After registration of the FIR, with the intervention of respectable persons of the locality, the matter has now been amicably resolved between the the petitioners and respondent No.2-Karamjit Kaur, vide compromise dated 20.12.2012 (Annexure P-2). In this regard, an affidavit of the complainant is annexed as Annexure P-3.

In compliance with the order dated 14.01.2013 passed by this Court, the parties got recorded their statements before the Illaqa Magistrate. Report from the Chief Judicial Magistrate, Barnala has been received in this regard. As per report, Karamjit Kaur-respondent No.2 (complainant) made her statement on 15.02.2013 to the effect that she has compromised the matter with the accused (petitioners) out of her own free will and without any pressure or coercion. The parties are closely related and staying in the same house. She has two children and the compromise is in the interest of the family. No other case is pending against the petitioners. She has no objection, if the above said FIR is quashed. Statements of Harpal Singh and Gurmail Kaur-petitioner Nos.2 and 3 were also recorded to the same effect. Similarly, statements of Surjit Singh and Baljit Kaur-petitioner Nos. 1 and 4 were recorded on 30.08.2013, wherein they have admitted the factum of compromise effected between the parties. In view of separate statements of the parties, the court is satisfied that the compromise is valid and genuine

one.

In view of the peculiar circumstances of this case, this Court is of the view that continuation of investigation in the present case will further harm the entire family environment, where the complainant is now residing happily with her husband and in-laws, including the petitioners. Keeping in view the future interest of two minor children, the compromise effected between the parties at the stage of investigation itself, is accepted.

Consequently, in view of the status report and the judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429**, the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052**, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 90 dated 03.12.2012, under Sections 452, 376, 498-A IPC, registered at Police Station Tappa, District Barnala, is quashed with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

16.02.2015
ajp