

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-6476 of 2015 (O&M)
Date of Decision: 08.05.2015.

Akhtiar Singh & another

--Petitioners

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. M.S. Dhami, Advocate for the petitioners.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

Mr. Madan Sandhu, Advocate for the
complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case F.I.R. No.67 dated 3.6.2014 under sections 498-A, 406 I.P.C registered at Police Station, Bullowal, District Hoshiarpur.

Notice of motion was issued by this Court on 26.2.2015 and petitioner no.2 Joginder Kaur, who is the mother-in-law of the complainant Manpreet Kaur was granted ad interim protection as regards arrest.

Perusal of the F.I.R would reveal that complainant Manpreet Kaur i.e. wife of petitioner no.1 and daughter-in-law of petitioner no.2 had alleged that she is being harassed as regards demand of dowry and even though a compromise dated 13.2.2014 had been thrashed out between the parties with the intervention of Dy.S.P. Harvinder Singh, still, the husband i.e. petitioner no.1 is resiling from the same.

During the course of hearing today, learned counsel appearing for the petitioners would submit that as per compromise dated 13.2.2014 a

total sum of Rs.1,25,000/- was agreed to be paid to the complainant out of which Rs.75,000/- was to be paid upfront and the balance amount of Rs.50,000/- was to be released at a later point of time i.e. upon a petition under section 13-B of Hindu Marriage Act to be filed for dissolution of marriage by way of mutual consent. Counsel also submits that in the light of compromise dated 13.2.2014 the complainant was obligated to withdraw all proceedings initiated against the petitioners including the complaint lodged under the provisions of the Domestic Violence Act as also application filed under Section 125 Cr.P.C seeking maintenance.

Learned counsel appearing for the complainant does not broadly dispute the terms and conditions of the compromise dated 13.2.2014 and as have been stated during the course of hearing today by learned counsel for the petitioners.

Even though, counsel for the petitioners has made a categorical statement in the Court today that he is ready and willing to furnish Rs.75,000/- as per compromise dated 13.2.2014 today itself, yet, counsel appearing for the complainant would submit that now such offer is not acceptable.

Complainant Manpreet Kaur herself is present in Court and has been identified by the counsel. On a specific query having been put, she categorically states that compromise dated 13.2.2014 was never arrived at.

Apparently, the very allegation and assertion which formed the basis of filing of F.I.R No.67 dated 3.6.2014 is found to be completely unfounded.

Under such circumstances, custodial interrogation of the petitioners would not be warranted.

Petition, accordingly, is allowed. Both the petitioners shall not be arrested in the present case. They would, however, join investigation and would remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

May 08, 2015
lucky