

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

**CRM-M No. 10275 of 2016
Date of decision: 07.10.2016**

Yogesh Sharma & Others

...Petitioners

Vs.

State of Punjab & Another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present : Mr. Sushil Saini, Advocate
for the petitioners.

Mr. Arshdeep S. Kler, DAG, Punjab
for respondent No. 1-State.

Mr. Surinder Sharma, Advocate
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 3 dated 02.01.2013, under Sections 406, 498-A of the IPC, registered at Police Station Women Cell, Jalandhar City (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of a compromise dated 02.12.2015 (Annexure P-2).

By an order dated 11.05.2016, the trial Court was directed to record the statements of both the parties to its satisfaction regarding the genuineness of the compromise entered into with a direction to the trial Court to send a report along with statements of the parties.

Pursuant to the order passed, the parties appeared before the

learned JMIC, Jalandhar on 27.05.2016, wherein respondent No. 2 submitted that the compromise is without any pressure, threat or undue influence and has been entered into by her own free will. It is further submitted that she would have no objection in case the FIR in question is quashed by the High Court of Punjab & Haryana.

After recording of the said statement, a report has been furnished to this Court wherein, learned JMIC, Jalandhar has submitted the compromise effected between the parties appears to be genuine one.

Counsel for the parties submit that a petition under Section 13-B of the Hindu Marriage Act was also filed for dissolution of marriage by way of mutual consent which has culminated in a decree of divorce under Section 13-B of the Hindu Marriage Act, vide order dated 04.07.2016.

In view of the fact that the matter stands compromised, the marriage stands dissolved by way of a decree of divorce on 04.07.2016, there would be no useful purpose in allowing the proceedings to continue under the FIR in question.

Consequently, in view of 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 others Vs. State of Punjab and another 2007(3) RCR (Crl.) 1052***, the above noted petition is allowed and FIR No. 3 dated 02.01.2013, under Sections 406, 498-A of the IPC, registered at Police Station Women Cell, Jalandhar City (Annexure P-1) is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

October 7, 2016
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No