

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

**CRM No. M-11972 of 2016 (O&M)
Date of decision: 07.09.2016**

Shamsher and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Lather, Advocate,
for the petitioners.

Mr. D.R. Singla, DAG, Haryana.

Ritu Bahri, J.

Quashing of FIR No. 89 dated 05.04.2015, under Sections 376, 498-A, 120-B and 506 IPC, registered at Police Station, Jind Sadar, District Jind, Haryana (Annexure P-1) is sought on the basis of compromise and affidavits dated 18.03.2016 (Annexure P-2).

The F.I.R was registered on the basis of complaint made by Seema @ Kanta-respondent No.2 to the effect that her marriage was solemnized in the year 2005 with Shamsher Singh (petitioner No.1). Out of this wedlock, two children namely Rohit (aged 8 years) and Jyoti (aged 3 years) were born. After the marriage, her mother-in-law Manpati, brother-in-law (*jeth*) Dheera and husband started harassing and humiliating her on the pretext of bringing insufficient dowry. On 03.04.2015, at about 2/3:30 P.M., when she was present in her matrimonial home along with her husband,

her brother-in-law (*jeth*) forcibly committed rape upon her. He also

threatened to kill. In this background, the FIR was registered.

During the pendency of the trial, with the intervention of respectable persons, the matter has now been amicably resolved between respondent No.2-complainant and the petitioners vide compromise deed dated 18.03.2016 (Annexure P-2). In this regard, parents of the complainant have also given their affidavits, which are annexed as Annexures P-3 and P-4.

In compliance with the order dated 07.04.2016 passed by this Court, the parties got recorded their statements before the trial Court. Report from the Additional Sessions Judge, Jind, has been received in this regard. As per report, Seema-respondent No.2 (complainant) made her statement on 17.05.2016 to the effect that with the intervention of respectable persons, she has compromised the matter with her husband Shamsher and *jeth* Dheera alias Randhir-petitioners vide compromise deed Ex.C1 at her own will and without any coercion or pressure. Now, she is residing happily with her husband and children since 13.03.2016. Her brother-in-law (*jeth*) is mentally retarded person since birth and he could not speak and respond any averments or sign due to unsoundness. Now he is residing separately from them. She has no objection if, the above said FIR is quashed. Statement of Shamsher Singh-petitioner No.1 was also recorded to the same effect. Jagdev Singh and Savitri, parents of complainant-Seema, also made a joint statement by admitting the factum of compromise. In view of separate statements given by the parties, the court is satisfied that the compromise is valid and genuine one.

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 (CrI.) 1052**, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 89 dated 05.04.2015, under Sections 376, 498-A, 120-B and 506 IPC, registered at Police Station, Jind Sadar, District Jind, Haryana, is quashed with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

07.09.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No