

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19529 of 2016
Date of Decision: 08.09.2016

Jai Pal Singh Rana and OthersPetitioners

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.M.K.Dhot, Advocate, for the petitioners.

Ms.Manpreet Dhaliwal, AAG, Punjab.

Mr.K.S.Dadwal, Advocate, for the respondent No.2.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.78 dated 11.08.2012, for the offence under Sections 406, 498-A, 323, 34, 506 IPC registered at Police Station Sadar, Hoshiarpur, including order dated 09.12.2014 declaring the petitioner No.4 a proclaimed offender, along with all consequential proceedings arising therefrom, on the basis of compromise dated 25.04.2016 (Annexure P-5).

It was alleged by the complainant that since the beginning of the marriage, the behaviour of the petitioners and their family members was rude towards her. They were not satisfied with the dowry articles brought by her at the time of marriage. Besides, they used to illtreat and taunt her for bringing inadequate dowry. They were maltreating, torturing and beating the complainant/respondent No.2 with a view to compel her to bring more dowry from her parents as they were not satisfied with the quality and

quantity of the dowry and article given by her parents. On this background, the FIR was registered.

During the pendency of the trial, the matter has been resolved between the petitioners and respondent No.2-Kajal Rana, vide compromise deed dated 25.04.2016 (Annexure P-5).

In compliance with the order dated 31.05.2016 passed by this Court, the parties got recorded their statements before the trial Court. Report from the JMIC, Hoshiarpur, has been received in this regard. As per report, Kajal Rana-complainant and accused-petitioners appeared before the trial Court on 04.06.2016 for getting their statements recorded in support of the compromise. In this regard statements of complainant- Kajal Rana and accused-petitioners were recorded to the effect that they have compromised the matter and Kajal Rana-complainant has no objection if the present FIR is quashed against these accused. Statements of accused-petitioners were also recorded to the same effect. In view of separate statements of 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 others 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.78 dated 11.08.2012, for the offence under Sections 406, 498-A, 323, 34, 506 IPC registered at Police Station Sadar, Hoshiarpur, is quashed along with all consequential proceedings arising therefrom qua the petitioners.

Petitioner No.4 was declared as proclaimed offender vide order dated 09.12.2014 (Annexure P-4). At the time of passing this order Bikramjeet Singh Rana-respondent No.4 was not in India. The proceedings under Section 82(4) Cr.P.C. have not been followed while passing this order. Since all the disputes between the parties were resolved by way of compromise and on the basis of the same FIR has been quashed, the order dated 09.12.2014 declaring petitioner No.4-Bikramjeet Singh Rana, as proclaimed offender is also quashed.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

08.09.2016

anil