

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

CRM-M-31744-2013

Date of decision: 29.09.2016

Naresh Kumar and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.S. Bajaj, Advocate,
for the petitioners.

Mr. K.D. Sachdeva, Addl. A.G., Punjab.

Ritu Bahri, J.

Petitioners are seeking quashing of FIR No.35 dated 02.03.2003, under Sections 406/498-A IPC, registered at Police Station, Division No.6, Jalandhar (Annexure P-1).

The FIR was registered on the basis of statement made by Pushpa Devi-respondent No.2 to the effect that marriage of her daughter Seema-respondent No.3 was solemnized with Naresh Kumar-petitioner No.1 as per Hindu rites and ceremonies about 25 days prior to the registration of FIR (Annexure P-1). Soon after the marriage, Naresh Kumar (husband of Seema), his brother Dharam Pal and uncle of Naresh Kumar namely G.L. Basra started harassing and humiliating her on the pretext of bringing inadequate dowry. They also gave her beatings on that account. Ultimately, they thrown her out of the matrimonial house. In this background, the FIR has been registered.

After registration of the FIR, the matter was compromised between the parties as per compromise deed dated 16.04.2003 (Annexure P-2). A deed of divorce was also executed between Seema-respondent No.3 and Naresh Kumar-petitioner No.1 on 30.04.2003 (Annexure P-3).

Learned counsel for the petitioners has referred to the order dated 06.04.2010 (Annexure P-8) passed by this Court in CRM-M-14038-2009. This petition had been filed by Gurdev Lal Basra, who was one of the accused and against whom, the allegation was levelled in the FIR. In the said case, learned State counsel, on instructions from ASI Manmohan Singh, had stated that no incriminating material could be found against the petitioner and untraced report had been prepared. In view of the said fact, a direction was given to the State to file an untraced report before the Court having competent jurisdiction, within a period of 30 days.

In compliance with the aforesaid order, the police had filed an application for discharge of accused Gurdev Lal before the Illaqa Magistrate, which was allowed and Gurdev Lal was discharged vide order dated 29.07.2010 (Annexure P-9).

Grievance of the present petitioners is that despite making payment of Rs.1,20,000/- in favour of Seema, daughter of complainant, vide bank Draft No.335930 dated 03.04.2003, which is evident from the statement dated 19.04.2006 (Annexure P-5) made by Sh. Jagjit Rai, Manager, Bank of Baroda, Mahaveer Marg, Jalandhar, a cancellation report has not been filed before the Court of Illaqa Magistrate.

Upon notice, reply on behalf of respondent No.1, in the shape of affidavit of Assistant Commissioner of Police, Model Town, Jalandhar, has been filed in Court, wherein it has been stated that as per opinion given by

the District Attorney (Legal), no compromise could be entertained under Section 498-A IPC as this offence is non compoundable.

The challan has not been presented till date. In the present case, as per compromise dated 16.04.2003 (Annexure P-2) effected between the parties, an amount of Rs.1,20,000/- was deposited by the petitioners in the account of Seema, daughter of the complainant vide Draft No.335930. This fact stands proved by the statement of Mr. Jagjit Rai, Manager, Bank of Baroda (Annexure P-5). Since the terms of compromise (Annexure P-2) have already been complied with by the petitioners by depositing the aforesaid amount in the account of daughter of the complainant, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.35 dated 02.03.2003, under Sections 406/498-A IPC, registered at Police Station, Division No.6, Jalandhar (Annexure P-1), is quashed with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

29.09.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No