

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

**CRM No. M-29809 of 2015
Date of decision: 04.11.2016**

Himanshu and others

...Petitioners

Versus

State of U.T. and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Arun Jindal, Advocate,
for the petitioners.

Mr. A.S. Sullar, Addl. P.P. for U.T., Chandigarh.

Mr. Ajay Sood, Advocate,
for respondent No.2.

Ritu Bahri, J.

Quashing of FIR No. 583 dated 18.11.2014, under Sections 406/498-A IPC, registered at Police Station, Sector 34, Chandigarh (Annexure P-1) is sought on the basis of compromise effected between the parties.

The F.I.R was registered on the basis of complaint made by Pritish Ahluwalia-respondent No.2 to the effect that her marriage was solemnized with Himanshu-petitioner No.1 on 01.11.2011 at Zirakpur as per Hindu rites and ceremonies. Out of this wedlock, no child was born. Soon after the marriage, her in-laws i.e. petitioners started harassing and humiliating the complainant on the pretext of bringing insufficient dowry. In this background, the FIR was registered.

During the pendency of trial, with the intervention of respectable persons, the matter has been compromised between the parties

vide compromise deed dated 18.08.2015 (Annexure P-2). As per compromise, it was agreed that Himanshu-petitioner No.1 shall pay a sum of Rs.5,00,000/- to Pritish Ahluwalia-respondent No.2 towards past, present and future maintenance. A sum of Rs.2,50,000/- has been given by way of demand draft No.613405 dated 20.07.2015 (Annexure P-3). The balance amount was to be paid at the time of quashing of the FIR.

Petitioner No.1 is residing in London. He has given his General Power of Attorney (Annexure P-5) to his sister. This fact is not in dispute between the parties. The petitioner has not been declared as proclaimed offender. It has been stated in the Power of Attorney (Annexure P-5) that on account of ongoing litigation between him and his ex-wife, negotiations between the two parties are going on and he has authorized his sister to make statement with regard to the compromise.

In compliance with the order dated 03.09.2015 passed by this Court, Kushal Singh, Santosh Kumari and Mrs Aradhana, attorney of Himanshu-petitioner No.1 made a joint statement on 16.09.2015 before the Judicial Magistrate Ist Class, Chandigarh to the effect that they have entered into a compromise with the complainant. As per compromise, they have paid a sum of Rs.2,50,000/- to the complainant by way of demand draft No.613405 dated 20.07.2015 and the balance amount would be paid at the time of passing of final orders. On that date, the complainant did not appear before the Court. However, statement of the complainant has now been recorded on 20.11.2015 (Annexure P-7) to the effect that she has compromised the matter with accused-petitioners and has received all the gifts and gold ornaments. She has no objection, if the present FIR is quashed, subject to the condition that in future, the accused persons shall

not entangle the complainant and her family in any litigation. She has further stated that she has received a demand draft of Rs.614953 dated 19.11.2015 for a sum of Rs.2,50,000/- as final amount. In view of separate statements given by the parties, this 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. 583 dated 18.11.2014, under Sections 406/498-A IPC, registered at Police Station, Sector 34, Chandigarh, is quashed with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

04.11.2016
ajp

(RITU BAHRI)
JUDGE

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