

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31995-2016

Date of Decision:- 23.11.2016

Kamal Sharma

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. H.S. Oberoi, Advocate, for the petitioner.

Mr. APS Gill, AAG, Punjab.

Mr. Vishal R. Lamba, Advocate
for respondent No.2.

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.43 dated 08.04.2013, under Sections 406 and 498-A IPC, registered at Police Station Phagwara City, District Kapurthala, on the basis of compromise dated 28.03.2016 (Annexure P-2).

Brief facts of the case are that the marriage of complainant was solemnized with petitioner on 22.11.2008. Thereafter, due to incompatibility of temperament, both the parties could not live together as husband and wife. The relationship between them became strained and thereafter, the F.I.R was registered against the petitioner.

Learned counsel for the petitioner submits that keeping in view the peace and harmony, the matter has now been amicably settled between the parties with the intervention of respectable persons, vide compromise dated 28.03.2016 (Annexure P-2).

During the course of preliminary hearing, the trial Court, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise dated 28.03.2016 (Annexure P-2), by way of order dated 09.09.2016, by this Court.

In compliance of order dated 09.09.2016 of this Court, the report of the Sub-Divisional Judicial Magistrate, Phagwara, dated 28.10.2016 has been received. As per the report, the statements of all the concerned parties have been recorded and the complainant has no objection, if the present FIR registered against the petitioner is quashed. Statements of the petitioner and complainant have been recorded to the same effect.

Consequently, in view of the above-said report and in view of the judgments of the Hon'ble Supreme Court in **Dr. Arvind Barsaul etc. Vs. State of Madhya Pradesh and another, 2008(2) RCR (Criminal) 910; Madan Mohan Abbot vs. State of Punjab, 2008(2) RCR (Criminal) 429** and 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 (Crl.) 1052**, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.43 dated 08.04.2013, under Sections 406 and 498-A IPC, registered at Police Station Phagwara City, District Kapurthala and all the subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise dated 28.03.2016 (Annexure P-2).

The present petition stands disposed of.

November 23, 2016
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No