

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

**CRR No.864 of 2007 (O&M)
Date of decision: 17.11.2016**

Gurcharan Singh

.....Petitioner

Versus

The State of Punjab and another

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioner.

Mr. A.P.S. Gill, AAG, Punjab.

Mr. Sandeep Sharma, Advocate,
for respondent No.2.

Ritu Bahri, J.

This petition has been filed against the judgment dated 09.05.2007 passed by the Additional Sessions Judge, Bathinda, partly accepting the appeal filed by the petitioner against the judgment of conviction and order of sentence dated 14.06.2006 passed by the Additional Chief Judicial Magistrate, Bathinda, whereby he has been convicted and sentenced under Sections 498-A and 406 IPC.

Initially, FIR No.73 dated 13.10.1998, under Sections 498-A/406/506/34 IPC was registered at Police Station, Sadar, Bathinda on a complaint made by Avtar Singh-complainant to the effect that marriage of his daughter-Harwinder Kaur was solemnized with Gurcharan Singh-

petitioner on 17.03.1996 at village Sardargarh. Out of this wedlock, one

child was born. Soon after the marriage, in-laws of Harwinder Kaur started harassing and humiliating her on the pretext of bringing insufficient dowry. On many occasions, they gave beatings to Harwinder Kaur. Ultimately, she was turned out of the matrimonial house. In this background, the FIR was registered. On completion of investigation, challan was presented and trial commenced.

Trial Court, after going through the evidence led by the prosecution, convicted accused-petitioner Gurcharan Singh and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- under Section 406 IPC. He had been further sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1500/- under Section 498-A IPC. However, the remaining accused namely, Gurnaib Singh, Manjit Kaur, Kulwinder Kaur and Gursewak Singh were acquitted of the charges framed against them.

Feeling aggrieved by the said judgment, Gurcharan Singh (petitioner) filed an appeal and the Additional Sessions Judge, Bathinda, vide judgment dated 09.05.2007, partly accepted the same and acquitted him for the offence under Section 498-A IPC. However, his conviction and sentence under Section 406 IPC was upheld. Hence, this petition.

During the pendency of this petition, the matter has been compromised between the parties and vide order dated 22.08.2016 passed by this Court, Jasveer Kaur @ Harwinder Kaur, wife of petitioner, has been impleaded as respondent No.2 in this petition.

On 21.09.2016, Jasveer Kaur @ Harwinder Kaur placed on record her affidavit dated 08.09.2016 by stating that with the intervention of respectable persons, she has compromised the matter with Gurcharan Singh-

petitioner. As per compromise, their marriage has been dissolved by a decree of divorce dated 09.05.2016 passed by the District Judge, Bathinda. Now, nothing is outstanding against Gurcharan Singh. She has no objection, if the aforesaid FIR is quashed and Gurcharan Singh-petitioner is acquitted in this case.

In view of the affidavit dated 08.09.2016 given by Jasveer Kaur @ Harwinder Kaur, daughter of the complainant, the Court is satisfied that the compromise is valid and genuine one.

Consequently, in view of the judgment of the Hon'ble Supreme Court in case Madan Mohan Abbot Vs. State of Punjab, 2008 (2) RCR (Criminal) 429, the law laid down by the Full Bench of this Court in case 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 between the parties.

Accordingly, FIR No.73 dated 13.10.1998, under Sections 498-A, 406, 506, 34 IPC, registered at Police Station, Sadar, Bathinda and impugned judgments of conviction dated 14.06.2006 & 09.05.2007 are quashed with all consequential proceedings arising therefrom qua the petitioner.

Petition stands disposed of accordingly.

17.11.2016
ajp

(RITU BAHRI)
JUDGE

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