

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33382-2016

Date of Decision:- 23.11.2016

Gurcharan Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ramneek Vasudeva, Advocate, for the petitioners.

Mr. APS Gill, AAG, Punjab.

Mr. Avinash Mandla, 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.79 dated 30.07.2011, under Sections 406 and 498-A IPC, registered at Police Station Singh Bhagwantpura, District Rupnagar, on the basis of compromise deed dated 30.08.2016 (Annexure P-2).

Brief facts of the case are that the marriage of complainant was solemnized with petitioner No.1 Gurcharan Singh on 13.12.2006, according to Sikh Rites and Customs. Out of their wedlock, one child namely, Kiran Tambar, was born. 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 petitioners.

Learned counsel for the petitioners 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 deed dated 30.08.2016 (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 deed dated 30.08.2016 (Annexure P-2), by way of order dated 21.09.2016, by this Court.

In compliance of order dated 21.09.2016 of this Court, the report of the Judicial Magistrate 1st Class, Rupnagar dated 30.09.2016 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 petitioners is quashed. Statements of the petitioners 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.79 dated 30.07.2011, under Sections 406 and 498-A IPC, registered at Police Station Singh Bhagwantpura, District Rupnagar and all the subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise deed dated 30.08.2016 (Annexure P-2).

The present petition stands disposed of.

November 23, 2016
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No