

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41485 of 2015
Date of Decision: 26.07.2016

Ashwani Kumar and anotherPetitioners

Vs.

State of Haryana and othersRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.P.K.Chugh, Advocate, for the petitioners.

Mr.Anmol Malik, DAG Haryana.

Mr.Ved Parkash, Advocate, for respondents No.2 and 3.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.821 dated 27.06.2015, for the offence under Sections 366, 34 IPC registered at Police Station City Gurgaon (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise dated 07.09.2015 (Annexure P-2).

It was alleged by the complainant Gagan Kumar that marriage of her younger sister was agreed to solemnize with Ashwani son of Ramesh Kumar. Then his family members had gone for the purpose of ring ceremony on 16.04.2015, they came to know that bridegroom-Ashwani having the last stage of blood cancer. Thereafter, it was decided to break the relation after sitting with the social persons. When the complainant side asked the petitioner No.1 and his father about returning of amount demanded in dowry, petitioners and his father refused the same and stated they would

26.06.2015 at about 3:30 p.m., complainant's sister had been disappeared from the house. On this background, the FIR was registered.

During the pendency of the trial, the matter has been resolved between the petitioners and respondent No.2-Gagan Kumar and respondents No.3- Kavita, vide compromise deed dated 07.09.2015 (Annexure P-2).

In compliance with the order dated 08.12.2015 passed by this Court, the parties got recorded their statements before the trial Court. Report from the JMIC, Gurgaon, has been received in this regard. As per report, Gagan Kumar-complainant/respondent No.2 and Kavita-respondent No.3 and accused-petitioners appeared before the trial Court on 16.12.2015 for getting their statements recorded in support of the compromise. In this regard statements of Gagan Kumar-complainant/respondent No.2 and Kavita-respondent No.3 and accused-petitioners were recorded to the effect that they have compromised the matter and Gagan Kumar-complainant/respondent No.2 and Kavita-respondent No.3 has no objection if the present FIR is quashed against these accused. Statements of accused-petitioners were also recorded to the same effect. In view of separate statements of the parties, the 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 others Vs. State of Punjab and another 2007(3) RCR (Crl.) 1052, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.821 dated 27.06.2015, for the offence

under Sections 366, 34 IPC registered at Police Station City Gurgaon (Annexure P-1) is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

26.07.2016
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