

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41893 of 2015

Date of Decision: 11.07.2016

Rajinder Kumar and another

.....Petitioners

Vs.

The State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Rahul Sharma-I, Advocate, for the petitioners.

Mr.J.S.Riar, AAG Punjab.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.314 dated 03.12.2009, for the offence under Sections 406, 498-A IPC registered at Police Station Sadar Jullunder along with all consequential proceedings arising therefrom, on the basis of compromise.

Vide order dated 11.12.2015, parties were directed to present before the trial Court for recording their statements and the trial Court was also directed to send report along with the statements of the parties with regard to validity of the compromise.

A report has been received from Additional CJM, Jalandhar, to the effect that complainant had appeared before the trial Court on 13.05.2016 and made a statement that her previous husband Salinder Kumar had not sent any power of attorney to his brother Rajinder Kumar who can make statement on his behalf. She would make statement in the Court with regard to the compromise, if Rajinder Kumar would make statement in the Court with regard to the compromise for himself and being attorney of his brother Salinder Kumar who was declared as a proclaimed offender. As such, none of the parties had suffered statement with regard to compromise.

A perusal of the petition shows that on 05.05.2010 (Annexure P-2) while granting bail to the petitioner-Rajinder Kumar, it has been observed that as per compromise respondent No.2 would receive Rs.5,00,000/- in total, in lieu of all her claims i.e. dowry articles and permanent alimony and a cheque of Rs.2,50,000/- bearing No.805143 dated 18.05.2010 to be drawn on Punjab and Sind Bank, Kathrar was handed over to the complainant and the balance amount was to be given at the time of decree of divorce which was to be instituted by the complainant. However, vide order dated 10.08.2011, she had received a sum of Rs.2,50,000/- (balance amount) as per terms of the compromise and the application for cancellation of bail was dismissed as withdrawn by her.

Learned counsel for the petitioner however submits that parties had agreed for divorce and brother of the petitioner-Salinder Kumar was declared a proclaimed offender vide order 21.10.2010 when he was not in India.

After going through the contents of the petition, it transpires that all the conditions have been complied with by the petitioners according to the compromise but complainant has not recorded her statements on the validity of the compromise.

In view of the above, FIR No.314 dated 03.12.2009, for the offence under Sections 406, 498-A IPC registered at Police Station Sadar Jullunder as well as order declaring petitioner No.2-Salinder Kumar as a proclaimed offender are quashed qua the petitioners and all subsequent proceedings initiated therein.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

11.07.2016
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