

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42104-2015

Date of Decision:- 29.07.2016

Nitin Kumar and others

....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jagmohan S. Ghumman, Advocate,
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

Mr. Rajiv K. Saini, Advocate,
for respondent No.2.

RITU BAHRI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.404 dated 17.06.2015 under Sections 498-A, 323, 506, 377, 376 and 511 IPC, registered at Police Station DLF Qutab Enclave, District Gurgaon and all the subsequent proceedings arising therefrom, on the basis of compromise dated 01.12.2015 (Annexure P-2).

Brief facts of the case are that the marriage of complainant was solemnized with petitioner Nitin Kumar on 05.05.2013, according to Hindu custom, rites and religious ceremonies at Gurgaon. The parents of the complainant had spent huge amount on the marriage. She is gainfully employed woman and working in ICICI Bank, DLF Phase-III, Cyber Green, Gurgaon. Accused Nitin Kumar is Networking Engineer and is working in a ARICENT Technology. 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 of the village and area, the matter has been amicably settled between the parties, vide compromise dated 01.12.2015 (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 01.12.2015 (Annexure P-2), by way of order dated 11.12.2015, by this Court.

In compliance of order dated 11.12.2015 of this Court, the report of Chief Judicial Magistrate, Gurgaon 22.12.2015 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.404 dated 17.06.2015 under Sections 498-A, 323, 506, 377, 376 and 511 IPC, registered at Police Station DLF Qutab Enclave, District Gurgaon and all the subsequent proceedings arising therefrom are hereby quashed on the basis of compromise dated 01.12.2015 (Annexure P-2).

The present petition stands disposed of.

July 29, 2016
naresh.k

(**RITU BAHRI**)
JUDGE