

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

Crl. Misc. No.M-42647 of 2015

Date of Decision: 22.03.2016

Kamaljeet Singh and another

....Petitioners

Versus

The State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Deepak Nayer, Advocate
for the petitioners.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State

None for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of FIR No.316 dated 01.08.2009 registered under Sections 406/498-A IPC at Police Station Sadar Amritsar, District Amritsar, on the basis of compromise.

The FIR, in question, was registered on the basis of complaint made by respondent No.2. Certain allegations of demand of dowry and harassment against accused petitioners were made. However, during pendency of the proceedings, a compromise was arrived at between the parties and it was decided to file a divorce petition under Section 13-B of the Hindu Marriage Act. It was also settled that an amount of ₹ 2 lacs will be paid to the complainant at the time of making first motion statement in the petition filed under Section 13-B of the Hindu Marriage Act and thereafter, the remaining amount of ₹ 2 lacs would be paid at the time of

making final statement. Respondent no.2 has also received all dowry articles in the presence of her brother. As per settlement, the child would remain in the custody of petitioner no.1-husband and respondent No.2 would not claim his custody.

Notice of motion in the case was issued on 21.12.2015 and the directions were issued to the parties to appear before the trial Court for getting their statements recorded.

In compliance of directions issued by this Court on 21.12.2015, the parties have appeared before the Judicial Magistrate Ist Class, Amritsar and their statements were recorded and a report along with statements of the parties have been sent, which are on record. The complainant has specifically stated in her statement that she has no objection in quashing of the FIR as well as other proceedings arising therefrom. The compromise arrived at between the parties is without any fear or pressure from either side.

The dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR as well as other proceedings. Initially, three accused were there i.e husband, mother-in-law and father-in-law of the complainant. The petitioners in the present petition are husband and mother-in-law of the complainant as father-in-law had expired during pendency of the proceedings. It is a case of matrimonial dispute and the same has been settled between the parties. No useful purpose would be served, in case, the proceedings are allowed to continue as the complainant is not going to support the case of the prosecution because of the compromise and it would be a futile exercise. The purpose of compromise is to maintain peace and harmony in the relations and it would be for the welfare of the child also. When both the parties could not settle in their married life, they

have decided to remain separate with certain terms and conditions as settled between them.

Accordingly, the present petition is allowed and FIR No.316 dated 01.08.2009 registered under Sections 406/498-A IPC at Police Station Sadar Amritsar, District Amritsar along with all consequential proceedings arising therefrom, qua petitioners-Kamaljeet Singh and Chand Rani are hereby quashed.

22.03.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE