

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5027 of 2016 (O&M)
Date of Decision: 23.08.2016

Gurvinder Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.H.S.Sarn, Advocate, for the petitioner.

Mr.A.P.S.Gill, AAG Punjab.

Mr.H.S.Gill, Advocate, for respondent No.2.

RITU BAHRI, J. (ORAL)

CRM No.25724 of 2016

Application is allowed, subject to all just exceptions.

Documents are taken on record.

CRM-M-5027 of 2016

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.143 dated 29.07.2015, for the offence under Sections 406, 498-A IPC registered at Police Station City Kharar, District SAS Nagar, Punjab, along with all consequential proceedings arising therefrom, on the basis of compromise.

It was alleged by the complainant that since the beginning of the marriage, the behaviour of the petitioner and his family members was rude towards her. They were not satisfied with the dowry articles brought by her at the time of marriage. Besides, they used to illtreat and taunt her for bringing inadequate dowry. They were maltreating, torturing and beating

the complainant/respondent No.2 with a view to compel her to bring more dowry from her parents as they were not satisfied with the quality and quantity of the dowry and article given by her parents. On this background, the FIR was registered.

During the pendency of the trial, both the parties have compromised the matter. As per compromise, they have decided to file joint petition under Section 13-B of Hindu Marriage Act for dissolution of marriage between the parties on mutual consent. In terms of the compromise petitioner agreed to pay Rs.9,00,000/- as full and final settlement of past and future maintenance permanent alimony and towards dowry articles. He further agreed to pay a sum of Rs.4,50,000/- to the complainant at the time of first statement (i.e. Rs.2,50,000/- by way of demand draft in the name of complainant and Rs.2,00,000/- in the name of minor child namely Gurrehmat Kaur, by way of demand draft) and remaining amount of Rs.4,50,000/- would pay at the time of second motion.

In this regard, complainant has received Rs.4.5 Lacs at the time of first hearing of petition under Section 13 B vide Annexure P-10.

In compliance with the order dated 03.05.2016 passed by this Court, the parties got recorded their statements before the trial Court. Report from the SDJM, Kharar, has been received in this regard. Kirandeep Kaur-complainant had appeared before the trial Court on 15.07.2016 for getting their statements recorded in support of the compromise. As per her statement, she has compromised the matter in dispute with the petitioner out of her free will without any coercion, threat or pressure and she has no

objection if the present FIR is quashed against the accused/petitioner.

Statements of accused-petitioner 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.143 dated 29.07.2015, for the offence under Sections 406, 498-A IPC registered at Police Station City Kharar, District SAS Nagar, Punjab, is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

23.08.2016
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