

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-903 of 2016
Date of Decision: 11.08.2016

Balwinder Kaur Khaira and anotherPetitioners

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Prateek Pandit, Advocate, for the petitioners.

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

Mr.Nitin Rampal, Advocate, for respondent No.2.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.132 dated 02.09.2007 for the offence under Sections 406, 498A, 506 IPC registered at Police Station Sadar, Kapurthala, along with all consequential proceedings arising therefrom including order dated 22.10.2008 (Annexure P-6) passed by learned ACJM, Kapurthala, on the basis of compromise (Annexure P-8).

As per FIR, marriage of the complainant/respondent No.2 was solemnized with one Ranjit Singh Khaira brother of petitioner No.1 in accordance with Sikh rites in Kapurthala. Her father was a very poor man but he spent more than Rs.6 Lacs on the arrangement of marriage party, dowry items, jewellery and costly gifts present to the family of the bridegroom. She spent a period of more than a week with her husband

and cohabited with him as a true and sincere life partner. Her husband and all the family members returned to U.K. and they promised to send her the relevant documents for seeking a visa from British Embassy, New Delhi. It was alleged by the complainant that they at once changed their behavior and started demanding a costly car for the husband of the complainant, a multistorey Kothi in Kapurthala and heavy cash to meet the expenses of their proposed holidays in India. Her parents could not meet their demands and they threatened to abandon her. Ultimately they flatly refused to accept her as a legally wedded wife of Ranjit Singh Khaira and demanded a unilateral divorce. 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-Jagdeep Kaur, vide compromise (Annexure P-8).

In compliance with the order dated 11.04.2016 passed by this Court, the parties got recorded their statements before the trial Court. Report from the ACJM, Kapurthala, has been received in this regard. As per report, Jagdeep Kaur-complainant/respondent No.2 and accused-petitioners appeared before the trial Court on 02.05.2016 for getting their statements recorded in support of the compromise. In this regard statements of complainant-Jagdeep Kaur/respondent No.2 and accused-petitioners were recorded to the effect that they have compromised the matter and Jagdeep Kaur-complainant/respondent No.2 has no objection if the present FIR is quashed against these accused/petitioners. 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. It is also reported that petitioners were declared proclaimed offender vide order dated 22.10.2008 passed by the court of ACJM, Kapurthala.

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 (CrI.) 1052, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.132 dated 02.09.2007 for the offence under Sections 406, 498A, 506 IPC registered at Police Station Sadar, Kapurthala, along with all consequential proceedings arising therefrom including order declaring proclaimed offenders against the petitioners dated 22.10.2008 (Annexure P-6) passed by learned ACJM, Kapurthala, are quashed qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

11.08.2016

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Whether speaking/reasoned :

Yes/No.

Whether reportable

Yes/No.