

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15386-2016 (O&M)

Date of Decision:- 06.02.2017

Dinesh Kumar Sharma and others

....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rajesh Lamba, Advocate, for the petitioners.

Mr. D.R. Singla, DAG, Haryana.

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.74 dated 28.02.2011, under Sections 498-A, 406, 506 and 323, registered at Police Station Camp Palwal, District Palwal, on the basis of compromise deed dated 10.03.2016 (Annexure P-3).

Brief facts of the case are that marriage between petitioner No.1 and respondent No.2 was solemnized on 10.02.2009 as per Hindu Rites and Rituals. The parents of the complainant had given dowry according to their capacity. After the marriage, the behavior of accused changed and they have started giving beatings to the complainant. 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 vide order dated 02.02.2016 (Annexure P-2), the petitioners-accused Dinesh (husband), Manju (mother-in-law) and Om Parkash (father-in-law), after facing the trial, were convicted. During the pendency of the appeal, preferred by the petitioners, before the learned Additional Sessions Judge, the matter has been amicably settled between the parties with the intervention of panchayat and respectable persons, vide compromise deed dated 10.03.2016 (Annexure P-3).

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 deed dated 10.03.2016 (Annexure P-3), by way of order dated 03.08.2016, by this Court.

In compliance of order dated 03.08.2016 of this Court, the report of the Chief Judicial Magistrate, Palwal, dated 03.11.2016 has been received. As per the report, the complainant Renu was not ready for the compromise on the ground that her husband had remarried during existence of her marriage and a child was born in February 2016 from second marriage.

Today, learned counsel for the petitioners has placed on record copy of application bearing CRM-3737-2017 whereby as per report of mediation dated 12.12.2016 (Annexure P-6), a joint statement was made on 23.12.2016 (Annexure P-7) by complainant Renu @ Bhumika and petitioner No.1 and thereafter, decree for dissolution of their marriage by way of mutual consent was passed, vide order dated 03.01.2017 (Annexure P-8) by

the District Judge, Family Court-I, Faridabad.

Perusal of joint statement (Annexure P-7) and decree of divorce (Annexure P-8) shows that both the parties have admitted the factum of compromise and the complainant has no objection, if the present FIR registered against the petitioners is quashed.

Consequently, in view of the above-said facts 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.74 dated 28.02.2011, under Sections 498-A, 406, 506 and 323, registered at Police Station Camp Palwal, District Palwal and all the subsequent proceedings arising therefrom qua petitioners are hereby quashed, on the basis of compromise deed dated 10.03.2016 (Annexure P-3).

The present petition stands disposed of.

February, 06, 2017
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(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No