

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15524-2016 (O&M)

Date of Decision:- 22.02.2017

Charanjit Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Kiran Kumar, Advocate,
for the petitioners.

Mr. J.S. Sekhon, AAG, Punjab.

Mr. Sandeep Arora, Advocate
for respondent No.2.

RITU BAHRI, J. (Oral)

CRM-4280-2017

The application is allowed, as prayed for.

Accordingly, Pushpa wife of Vidya Sagar is allowed to make statement with respect to compromise before the trial Court on behalf of her daughter Vinpreet Singh (respondent No.2).

CRM-M-15524-2016

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.14 dated 20.02.2015, under Sections 406 and 498-A IPC, registered at Police Station Women Cell, Jalandhar City, on the basis

Brief facts of the case are that the marriage between petitioner No.1 and respondent No.2 was solemnized on 14.04.2013 at Jalandhar. Out of this wedlock, no child was born. Thereafter, 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, the matter has now been amicably settled between the parties with the intervention of respectable persons, vide compromise dated 28.04.2016 (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 28.04.2016 (Annexure P-2), by way of order dated 08.09.2016 by this Court.

In compliance of order dated 08.09.2016 of this Court, the report of the Judicial Magistrate 1st Class, Jalandhar, dated 20.10.2016 has been received. As per the report, the statement of accused Charanjit Singh and Parshotam Lal has been recorded on 07.10.2016, however, the complainant has not come present for recording her statement.

Respondent No.2 has given the Special Power of Attorney to her mother Pushpa wife of Vidya Sagar, who is present in Court today and has filed her affidavit dated 20.02.2017 to the effect that she is mother of respondent No.2, namely, Vinpreet Sagar and after presentation of the challan and framing of charge, the matter has now been compromised

Marriage Act was filed and the same entrusted to the learned Court of Additional District Judge, Jalandhar. The statements of both the parties to the said petition have been recorded and said petition was decided while granting mutual divorce decree under Section 13-B of the Hindu Marriage Act. Her daughter has no objection, if the present FIR registered against the petitioners is quashed.

Consequently, in view of the above-said affidavit of mother of respondent No.2 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.14 dated 20.02.2015, under Sections 406 and 498-A IPC, registered at Police Station Women Cell, Jalandhar City and all the subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise dated 28.04.2016 (Annexure P-2).

The present petition stands disposed of.

February 22, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No