

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17253-2016

Date of Decision:- 09.01.2017

Jaswant Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Anil Kumar Garg, Advocate,
for the petitioners.**

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

**Mr. Nandan Jindal, Advocate
for respondent No.2.**

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.148 dated 13.09.2011, under Sections 498-A and 120-B IPC, registered at Police Station Sadar Sangrur, District Sangrur, on the basis of compromise dated 08.05.2016 (Annexure P-2).

Brief facts of the case are that the marriage between petitioner No.3 and respondent No.2-complainant was solemnized on 28.02.2010, according to Sikh Ceremonies. Respondent No.2 went to Canada and thereafter petitioner No.3 also went to Canada where both the husband and wife resided for some time. 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.

After investigation of the case, the challan was presented against petitioner Nos.1 and 2 whereas petitioner No.3 was declared a proclaimed offender.

Learned counsel for the petitioner has placed on record the copy of order dated 12.12.2016 (Annexure P-3) and statement of Harvinder Kaur (Annexure P-4) whereby the petition under Section 13-B of Hindu Marriage Act has been withdrawn by the complainant. Moreover, the divorce has been granted to the parties by the Court at Canada.

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 08.05.2016 (Annexure P-2), by way of order dated 19.05.2016, by this Court.

In compliance of order dated 19.05.2016 of this Court, the report of the Additional Chief Judicial Magistrate, Sangrur dated 26.05.2017 has been received. As per the report, joint statement of petitioner Nos.1 and 2 has been recorded on 23.05.2016 whereby they have stated that their son, namely, Gurjeet Singh Mann (petitioner No.3) was declared offender, who is presently residing at Canada and has issued special power of attorney dated 11.04.2016 in their favour. They have compromised the matter with Kirpal Singh, father of complainant Harvinder Kaur Bassi, being her special power of attorney. The statement of Kirpal Singh, who is Special Power of Attorney, has been recorded on 23.05.2016 to the effect that his daughter Harvinder Kaur has compromised the matter and she has no grudge remained against the petitioners and has no

objection, if the present FIR registered against the petitioners is quashed.

Consequently, in view of the above-said report 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.148 dated 13.09.2011, under Sections 498-A and 120-B IPC, registered at Police Station Sadar Sangrur, District Sangrur and all the subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise dated 08.05.2016 (Annexure P-2).

The present petition stands disposed of.

January 09, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No